

Mr. SMITH of Georgia. Yes. I think unless there is some reason why the court should adjourn at this time we should adhere to the order.

The PRESIDENT pro tempore. Does the Senator from New Hampshire desire to have an order passed to the effect that the Senate sitting as a Court of Impeachment shall now adjourn?

Mr. GALLINGER. Mr. President, I will not insist upon my motion at all if there is objection.

Mr. Manager CLAYTON. Counsel for the respondent has just suggested, and I agree with him in the suggestion, that both the managers and the respondent desire that the court take a recess at this time until to-morrow at the usual hour—an adjournment or a recess, whichever is the proper form.

The PRESIDENT pro tempore. Does the Senator from Georgia still object? [After a pause.] The Chair awaits the response of the Senator from Georgia.

Mr. SMITH of Georgia. I do not desire to be captious. I will withdraw my objection, but—

The PRESIDENT pro tempore. It was impossible for the Chair to hear the latter part of what the Senator from Georgia said.

Mr. SMITH of Georgia. I will not insist upon my objection. The PRESIDENT pro tempore. Very well. It is moved that the Senate sitting as a Court of Impeachment do now adjourn. Unless there be objection it will be so ordered. The Chair hears none, and the Senate sitting as a Court of Impeachment stands adjourned until the usual hour to-morrow.

Thereupon the managers on the part of the House, the respondent, and his counsel retired.

#### PROPOSED EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. SMITH of Georgia. I suggest the absence of a quorum. The PRESIDENT pro tempore. The Senator from Georgia makes the point that there is no quorum present. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Gallinger	Martine, N. J.	Smith, Ga.
Bristow	Gore	Myers	Smith, S. C.
Bryan	Hitchcock	Oberman	Smoot
Crane	Johnson, Me.	Page	Stephenson
Culberson	Johnston, Ala.	Penrose	Stone
Cullom	Kenyon	Perky	Swanson
Curtis	Lodge	Pomerene	Thornton
Fletcher	McCumber	Root	Townsend
Foster	Martin, Va.	Shively	Warren

The PRESIDENT pro tempore. On the call of the roll 36 Senators have responded to their names. A quorum of the Senate is not present.

Mr. SMITH of Georgia. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, December 7, 1912, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

FRIDAY, December 6, 1912.

The House met at 12 o'clock noon. The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We approach Thee, Almighty God, our heavenly Father, in prayer, that we may renew our spiritual life and thus be enabled to resist evil and strengthened to do the right as the duties of life unfold themselves to us moment by moment. Hear us and thus bless us, that Thy kingdom may come in all its fullness and strength and possess our hearts as it possessed the heart of the Master. And blessing and honor and praise be Thine for ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 26680.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 26680, which the Clerk will report by title.

The title of the bill was read.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the 211 days from December 1, 1913, to June 30, 1914, both inclusive.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 19, line 23, strike out the word "eleven" and insert "twelve."

Mr. JOHNSON of South Carolina. The only purpose of the amendment is to correct the total number of days.

Mr. FOSTER. Mr. Chairman, I notice here that this provides for the session from December 1, 1913, until June 30, 1914, both inclusive. I got the impression somehow that in this short session the appropriation ended March 31.

Mr. JOHNSON of South Carolina. We are now making appropriations for the fiscal year beginning July 1, 1913, and ending June 30, 1914.

Mr. FOSTER. I understand.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Copyright Office, under the direction of the Librarian of Congress: Register of copyrights, \$4,000; assistant register of copyrights, \$3,000; clerks—4 at \$2,000 each, 3 at \$1,800 each, 7 at \$1,600 each, 1 \$1,500, 8 at \$1,400 each, 10 at \$1,200 each, 10 at \$1,000 each, 18 at \$900 each, 2 at \$800 each, 10 at \$720 each, 4 at \$600 each, 2 at \$480 each; 4 junior messengers, at \$360 each. Arrears, special service: Three clerks, at \$1,200 each; porter, \$720; junior messenger, \$360; in all, \$100,780.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the last paragraph. On line 3, page 25, I see there are three clerks, at \$1,800 each, a creation of one new clerk. In line 4 four new clerks are provided for by the bill, at \$2,000, a creation of one new clerk. I desire to ask the chairman of the committee what cause there is for these two additional clerks.

Mr. JOHNSON of South Carolina. Mr. Chairman, the Copyright Office has work devolved upon it by law. The work increases year by year. During the last fiscal year the receipts of the Copyright Office aggregated \$116,000. The total amount paid for the services of those employed in the Copyright Office was, in round figures, \$96,000, leaving a surplus of \$20,000.

Mr. FOWLER. Ninety-six thousand nine hundred and eighty dollars last year.

Mr. JOHNSON of South Carolina. In round numbers, I say, leaving a net surplus of \$20,000 over and above the operating expenses. The work of the Copyright Office is not now current and can not be kept current unless we increase the force. We therefore gave them two additional men. But the work that these men do will bring in more than enough to pay their salaries.

Mr. GILLET. Mr. Chairman, may I add a word?

Mr. JOHNSON of South Carolina. Certainly.

Mr. GILLET. This \$2,000 clerk is the head of a division, the index division, which is the largest division in the Copyright Office. The other heads of divisions are all getting \$2,000, whereas he is now getting but \$1,900, so that this is to put him, the head of really the largest division of all, on a par with the others in the bill.

Mr. JOHNSON of South Carolina. Mr. Chairman, I am requested to read from the hearings with respect to the copyright office:

Mr. PUTNAM. The total number of registrations was, roughly, 121,000, and the total fees received \$116,000; the expenditures for service and for stationery and sundries amounted to \$96,000, leaving the net margin of receipts about \$20,000. Now, the register, who is here, explains to me that these three additional positions are particularly to undertake certain indexing and cataloguing work that the law contemplates shall be done, but which it is impossible for them to do without neglecting the current work which must be kept up; and if the committee desires to go into the situation which requires that, or to have any details about the situation in the Copyright Office or its organization, the register is here at my suggestion, and of course he can answer with the experience of daily contact.

Mr. FOWLER. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Distribution of card indexes: For service in connection with the distribution of card indexes and other publications of the Library, including not exceeding \$500 for freight charges, expressage, traveling expenses connected with such distribution, and the expenses of attendance at meetings when incurred on the written authority and direction of the Librarian of Congress, \$30,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. I believe in the last session there was inserted in the District of Columbia appropriation bill a provision in reference to paying the expenses of attendance at meetings. I suppose the latter part of the paragraph which has just been read is designed to meet that former legislation and to authorize attendance upon meetings as stated in the paragraph. I do not know that there is any objection to that.

Mr. JOHNSON of South Carolina. That is the purpose of the language inserted. The librarian stated that there were many meetings of the librarians of the country, and this library undertakes to cooperate with all other libraries in this scientific work, and it is necessary for him to send experts to the national meetings of the librarians. He asks permission to do so, and he says the cost will not in any year exceed \$500, and it does not increase the appropriation in any sum whatever.

Mr. MANN. I do not know whether this item increases the appropriation, but the total is increased by \$6,500. Is this authorization in this item, which is under the head of "Distribution of card indexes," supposed to cover only traveling expenses in attendance upon meetings which relate to card indexes or any meetings to which the librarian may send delegates?

Mr. GILLETT. I think it relates simply to card indexing. There is another appropriation for the general library work.

Mr. JOHNSON of South Carolina. It applies only to meetings that are held in relation to that one subject.

Mr. MANN. Then I should like to ask the gentleman if he has any information generally concerning the effect of the operation of that provision in the District bill, which I think was not very well understood in Congress when it went through either body. I do not believe anybody woke up to it much, unless it was the members of the committee who reported it, until after it had received the signature of the President.

Mr. JOHNSON of South Carolina. All the governmental departments are awake to it now.

Mr. MANN. Yes; and I notice that there are a number of places in this bill where it is proposed to allow the expenses of attendance upon meetings. Have the Committee on Appropriations changed their views upon this subject, they having reported the original provision in very drastic form, which forbade the payment of any expenses for attendance upon any meetings?

Mr. JOHNSON of South Carolina. We have inquired very particularly why it was necessary to send anybody to these meetings, and we have ascertained that no part of the money was to be paid for annual dues or initiation fees in joining any societies; and only in the cases where it was made to appear to the committee that it was necessary for the Government to send its experts have we permitted this language to go into the bill, and in every case we have ascertained about how much money would be used for that purpose.

Mr. MANN. I am frank to say that I doubt the advisability of the provision which went into the District bill last year, and therefore I withdraw the point of order on this item.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For commissioner, acting as president of the commission, \$4,500; 2 commissioners, at \$4,000 each; chief examiner, \$3,000; secretary, \$2,500; assistant chief examiner, \$2,250; chiefs of division—3 at \$2,000 each; examiners—1, \$2,400, 3 at \$2,000 each, 4 at \$1,800 each; clerks—5 of class 4, 25 of class 3, 32 of class 2, 42 of class 1, 32 at \$1,000 each, 20 at \$900 each; messenger; assistant messenger; skilled laborer, \$720; 4 messenger boys, at \$360 each. Custodian force: Engineer, \$840; general mechanic, \$840; telephone-switchboard operator; 2 firemen; 2 watchmen; 2 elevator conductors, at \$720 each; 3 laborers; 2 charwomen; in all, \$248,950.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the subcommittee if in providing for the Civil Service Commission expenses there were increases made by reason of the new order issued on the 15th of October, by which the President placed a number of fourth-class postmasters under the classified service. I was not present at the hearing, but I have the testimony of Gen. Black, chairman of the Civil Service Commission, in which it appears that he insisted that the expenses of the Civil Service Commission would be increased by reason of that fact. I would like to inquire if there has been any increase in the appropriations made to the Civil Service Commission by reason of that order?

Mr. JOHNSON of South Carolina. Mr. Chairman, as I stated yesterday when the bill was taken up for general debate, one of the items of increase in the bill is for the Civil Service Commission. It was contended by the commission that the efficiency law of the last Congress imposed upon the commission additional labors. It was further claimed by the commission that the order of the President placing a number of fourth-class post offices in the classified service would greatly increase the labor of the Civil Service Commission. In order that there might not be even the appearance of an attempt to evade the civil-service law, either in letter or in spirit, the subcommittee and the full committee reported to this House considerable increases for the Civil Service Commission. In the particular paragraph now under consideration the increase over the current year is \$19,000.

Mr. BARTLETT. Occasioned by that order?

Mr. JOHNSON of South Carolina. Occasioned by the additional work caused by the efficiency law and the order of the President placing the fourth-class post offices in the classified service.

Mr. BARTLETT. Mr. Chairman, I made this inquiry for the purpose of placing in the RECORD, which I shall do, the regulations which have been adopted by the Civil Service Commission and the Post Office Department in the appointment of fourth-class postmasters. I call the attention of the House to the fact, and the information I elicited from the gentleman from South Carolina, because in the hearings before the subcommittee it was stated by the chairman of the Civil Service Commission and by the witnesses that there would be an increase in the expenditures of that office.

I want to read and place in the RECORD this order. It is as follows:

[Form 1752. November, 1912.]

UNITED STATES CIVIL SERVICE COMMISSION.

REGULATIONS GOVERNING THE APPOINTMENT OF POSTMASTERS OF THE FOURTH CLASS.

(Approved Nov. 25, 1912.)

All positions of postmaster of the fourth class, except in Alaska, Guam, Hawaii, Porto Rico, and Samoa, having been by the Executive order of October 15, 1912, placed in the competitive classified service and made subject to the civil-service laws and rules, the following regulations shall govern appointments to such positions:

1. Appointment to offices having an annual compensation of as much as \$500 shall be made in the same manner as provided by the civil-service law and rules for other positions in the competitive classified service, except as may hereinafter be provided.

2. Appointment to offices having an annual compensation of less than \$500 shall be made in the following manner: When a vacancy has occurred or is about to occur in any such office, the Postmaster General shall direct a post-office inspector to visit the locality and make selection and recommendation for appointment from among the persons filing applications, such selection and recommendation to be based solely upon the suitability of the applicant and his ability to provide proper facilities for transacting the business of the office. The inspector shall make his report in duplicate and accompany each duplicate with a list of all applicants. Such report shall include a statement of the qualifications of each applicant and of the reasons for the selection and recommendation. The Post Office Department shall transmit to the Civil Service Commission one copy of such report, showing its action thereon.

3. Whenever persons who are property taxpayers and patrons of a post office having an annual compensation of less than \$500 submit to the Civil Service Commission and to the Post Office Department sworn statements in duplicate, over their own signatures, that an applicant, an eligible, or an appointee is unsuitable for office, giving specific reasons therefor, the commission may investigate the matter; and if upon the evidence it is shown to the satisfaction of the commission that, in the case of an applicant or an eligible, he is unsuitable for appointment, he shall not be further considered for appointment; and if, in like manner, it is shown to the satisfaction of the commission that an appointee is unsuitable for office, he shall be removed after due procedure required by law; and the Post Office Department shall, upon receipt of such sworn statements from patrons, suspend appointment in the case of an applicant or eligible to which such sworn statements may relate until said investigation is made by the Civil Service Commission and reported.

4. In all cases selection for appointment shall be made with sole reference to merit and fitness and without regard to political or religious considerations. No inquiry shall be made as to the political or religious opinions or affiliations of any applicant or eligible, and in conformity with section 10 of the civil-service act no recommendation in any way based thereon shall be received or considered by any officer concerned in making selections or appointments. The attention of the writer of any such recommendation shall be invited to the purport of this order, and attention hereto shall be similarly directed in connection with any verbal recommendation. Where it is found that there has been a violation of these provisions by any officer concerned in making selections or appointments, such fact shall be cause for the immediate removal of such officer from the service, and the Civil Service Commission shall make prompt report of any such case for appropriate action to the Postmaster General or, as to presidential appointees, to the President. The appointment of the fourth-class postmaster concerned, if effected, shall be canceled. Persons employed as postmasters of the fourth class, while retaining the right to vote as they please and to express their opinions privately on all political subjects, shall take no active part in political management or in political campaigns. Any such postmaster taking such part shall be removed from the service or otherwise disciplined, recommendation as to the penalty to be imposed in each case to be made by the Civil Service Commission. This section shall apply to all offices of the fourth class of whatever compensation.

5. A postmaster of the fourth class having an annual compensation of less than \$500 shall not be eligible for transfer to any other position

in the competitive classified service. A postmaster of the fourth class having an annual compensation of as much as \$500 may, in accordance with law and the civil-service rules, be transferred to a position of rural carrier at the same post office after having passed the examination prescribed for original appointment as rural carrier or its equivalent; and he may be transferred under like restrictions to any other position in the competitive classified service after having served three years in such service.

6. When the annual compensation of an office is increased to as much as \$500 the incumbent of such office shall be given all the rights and privileges of persons appointed to offices with annual compensation of as much as \$500.

Approved, November 20, 1912.

FRANK H. HITCHCOCK,  
Postmaster General.

Approved by direction of the United States Civil Service Commission,  
November 21, 1912.

JOHN C. BLACK, President.

THE WHITE HOUSE, November 25, 1912.

Approved.

WM. H. TAFT.

I also have here the questions that are to be submitted. They are as follows:

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C.

INFORMATION TO APPLICANTS FOR EXAMINATION FOR THE POSITION OF  
FOURTH-CLASS POSTMASTER.

The examinations for the position of fourth-class postmaster are as follows:

(a) For positions the annual compensation of which amounts to \$500 or more.

The examination for positions under (a), for which not to exceed four hours will be allowed, will consist of the subjects mentioned below, weighted as indicated:

SUBJECTS.	Weights.
1. Elementary arithmetic and accounts (simple tests in addition, subtraction, multiplication, and division of whole numbers and decimals, and a statement of a postmaster's money-order account).....	40
2. Penmanship (the handwriting of the competitor in the subject of letterwriting will be considered with special reference to the elements of legibility, neatness, and general appearance).....	10
3. Letterwriting (a letter of not less than 125 words on a topic suggested by facts furnished).....	10
4. Copying addresses (a simple test in copying accurately addresses given).....	10
5. Facilities for transacting postal business (based on the location of the post-office site, the convenience of office arrangements, etc., as shown in the application form).....	30
Total.....	100

According to the testimony of Gen. Black there will be quite a number of offices, a majority of them in which the salary is less than \$500. I will read from the hearings:

Gen. BLACK. Fourth-class post offices. They are divided into two classes by a horizontal line, those that are above \$500 and those that are below \$500. Those that are above \$500 are 4,457, besides 3,411 that were already included; and those that are below the \$500 line are 31,799, added by the order to 10,575 who already were in the service, and that makes a total of fourth-class postmasters of 50,222 places, 36,236 having been added, as I said before, on the 15th of October. Now the men that are below \$500 are appointed primarily upon an inspection made by the post-office inspectors under certain regulations, but there is not one of those appointments that may not at some time or another come within the purview of the commission and present facts that may require an investigation.

So that by this order, out of 36,000 offices that are to be filled, there are 31,799 that are to be filled upon the report of a post-office inspector. As far as I am concerned, a majority of the fourth-class post offices in the country I come from are in the same condition that they are in other parts of the country; the salaries are less than \$500. So that hereafter we are to have under this Executive order, if it shall remain, if Congress does not undertake to do anything to suspend or revoke it—there will be nearly 32,000 fourth-class post offices in which the postmaster is to be selected by a post-office inspector. As far as I am concerned, I do not relish, nor do I approve of that Executive anxiety for the civil service of the country which waited for four years and more, until a very few days of election, before it thought proper to place 36,000 post offices under the civil service, and of that number 31,799 will receive appointment only on the recommendation of the post-office inspector.

As far as I am concerned, I have no hesitancy in uttering my disapproval of that order. If it was necessary during the previous administration that this service should have been so nonpartisan, should have been covered within the provisions of the civil-service law, why was it not done before? Why did he wait until they were used—if it is true they were used, and it has been charged that they were used in advancing the political aspirations of the candidate for President. I know that in my State, in the section from which I come, they have not heretofore been appointed on the indorsement of the patrons of the office.

They have been appointed generally upon the recommendation of men who did not reside within the districts where they were appointed. In the State of Georgia there were three referees to whom the application was made, and no Member of Congress from the district in which these offices were situated, no Member from the State of Georgia, and no Senator could change or alter the result where the recommendation for the postmastership was made by the referee. That applied to all post offices of the fourth class as well as to post offices of the first, second, and third classes. I say that it is not a proper administration of affairs in the appointment of postmasters to have post-office inspectors, many of whom—in fact, most, of whom—are not familiar with the people of the particular locality, have the determining voice in who shall be the postmaster in these 31,797 offices. I trust, Mr. Chairman, that if Congress shall not see fit to do something which will alter it the incoming administration will not permit that order which has been put into effect at the end of a Republican administration to remain. [Applause on the Democratic side.]

So far as I am concerned, I stand ready here and now to provide, if I can get the indorsement of the Members of this House, that not one dollar of the money appropriated in this section shall be paid to inspectors who are sent into my State and my district and in your State and your district to find out whom they shall recommend for the office of postmaster, and if I could, without violating the rule respecting new legislation, or if I could get past the point of order, I would offer an amendment which I have ready here now to repeal the order of October 15, which put under the civil service something over 36,000 post offices in this country. I do not say this because I am a spoilsman. I do not say this because I am anxious or hungry for office for my people, but I say so because I know what the people where I come from have endured for all the 16 years in which this system of permitting men to be appointed to the fourth-class post offices and other offices upon the recommendation of referees, and not upon the recommendation of men who represent those districts or States, the referee being selected by reason of his political affiliations.

Mr. MANN. Mr. Chairman, I am not in favor of the proposition which the gentleman from Georgia has stated to the House, but I can suggest to him a method by which he can bring it before the House if he so desires. All he needs to do is to move to strike out this paragraph, leave out the appropriation for one messenger at \$360, and reduce the total appropriation from \$248,950 to \$248,590, which makes a reduction of the amount carried by the bill, and add his provision repealing the order and permitting no other order to be made. Under the Holman rule that would make it in order.

Mr. BARTLETT. I have it ready.

Mr. MANN. I would like to see that side of the House vote upon it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Field force: District secretaries—2 at \$2,400 each, 1 at \$2,200, 4 at \$2,000 each, 5 at \$1,800 each; clerks—1 of class 4, 1 of class 3, 1 of class 1, 7 at \$1,000 each, 6 at \$900 each, 5 at \$840 each; messenger boy, \$480; in all, \$45,680.

Mr. FOWLER. Mr. Chairman, I make the point of order against that paragraph. There are three new clerks provided for there at \$1,800 each. It is new legislation, and I insist upon the point of order.

The CHAIRMAN. Does the gentleman make the point of order against the entire paragraph?

Mr. FOWLER. I do; under the rule that where there is new legislation in a paragraph the whole paragraph goes out.

Mr. JOHNSON of South Carolina. Mr. Chairman, I do not think the item in the bill is subject to the point of order. There is no law fixing the number of people that can be employed in the Civil Service Commission's office.

Mr. FITZGERALD. Mr. Chairman, is the point of order up for discussion?

The CHAIRMAN. The point of order has been made against the entire paragraph on page 30, lines 19 to 23, inclusive, for the reason that the provision for three of the five clerks at \$1,800 each is new legislation. Do I state the point of order correctly?

Mr. FOWLER. Yes; that is correct.

Mr. FITZGERALD. It does not necessarily follow, because a place is additional to those already provided for for the current year, that the provision therefore is subject to a point of order. That happens only under certain contingencies.

The CHAIRMAN. The principal thing the Chair would like to know is whether these five offices are authorized by law.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the Chair to section 169 of the Revised Statutes of the United States:

Each head of a department is authorized to employ in his department such number of clerks in the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

There are a number of rulings under this particular provision that in the various departments of the Government, unless the organic act specifically enumerates the positions to be created, that there can be carried in the acts appropriating for the service such clerical or other force as Congress may recommend.

Mr. FOWLER. May I interrupt the gentleman?

Mr. FITZGERALD. Certainly.

Mr. FOWLER. In this case these new positions are district secretaries. Prior to that there were only two district secretaries, and here it is attempted to create three new district secretaries. Does that fall under the gentleman's contention?

The CHAIRMAN. Does the gentleman from New York desire to argue the point further?

Mr. FITZGERALD. No; I have concluded what I have to say.

Mr. MANN. Mr. Chairman, if the Chair will permit, I would like to make an observation in reference to the rule. Mr. Chairman, the rulings in regard to matters of this sort are so arbitrary and artificial that sometimes it is necessary to restate them. The rulings are uniform for many years that so far as the salary is concerned the salary in the current law fixes the salary for the bill. In other words, an increase in the salary of an official when that salary is covered by the current law can not be made over a point of order. This is a purely artificial ruling, because there is no salary fixed by law for these places, but long ago some Chairman held that current law fixed the salary, because without that the House was in confusion. Now, there is also no law fixing the number of these places, but there is a uniform ruling that where the position was authorized at all you could increase the number of places in that position unless the law fixed the number. Take, for instance, the most common illustration, which is the Post Office Department. The number of clerks and carriers in the Post Office Department is not fixed by law except the current law. They have to be increased every year. It is impossible as a matter of practice to pass a law definitely fixing for future years the number of clerks or carriers in the Post Office Department. The same is true of clerks in the different departments in Washington, but where a certain number is carried in the current law, say, two at \$1,800, while the salary fixed is in the present bill and current law the number is not governed by the current law, and in this case the Civil Service Commission, being authorized to do this work and have these employees, the number of employees in the current law does not control the House in fixing the number in the bill each year, although the salary is controlled by the current law. Now, these officers being authorized by the law, the number may be increased by Congress from time to time without being subject to a point of order.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOWLER] desire to be heard further on the point of order?

Mr. FOWLER. Mr. Chairman, according to the rules of this House no new position can be created in an appropriation bill without being subject to a point of order. This has been the holding of the Chair almost universally since I have been a Member of this House. It was the holding of the Chair during the last session of Congress, and only in a few instances, where the Chairman had been called from the body of the House, was that ruling digressed from. In fact, Mr. Chairman, in this instance there is a creation of three new positions at \$1,800 each. The contention of the gentleman from Illinois [Mr. MANN] that where the work of a department is authorized and the number of servants fixed by law might not control in that decision upon the point of order is not, in my mind, borne out by the rulings of this House in the past. There are three distinct and important positions created here known as district secretaries, and prior to this time there were only two district secretaries. They received each \$1,800. Now it is proposed by this bill to create two additional district secretaries at \$1,800 each.

It is just as much new legislation in this instance as though it had created three assistant district secretaries at a salary of \$1,800 each. And there is no difference, and there is no getting away from the rules of this House which have been the controlling force in passing upon questions of this character.

I had an occasion during last session to present this question and recite the authorities which had been given by former rulings of the Chair. I have not those authorities before me now. But I say, Mr. Chairman, that this is new legislation,

and under the rules of this House it is subject to a point of order, and we can not escape it however much the gentlemen who are in charge of this bill may desire to do so.

The CHAIRMAN. The Chair is ready to rule. It seems to the Chair that the first question for the Chair to ascertain is whether or not section 169 of the Revised Statutes authorizes these clerks or whether the head of a department has the right to employ these five clerks. In 1906 Mr. Hull, of Iowa, was in the chair, and this identical question came up and was decided by him on a point of order made by Mr. Tawney upon clerks of a similar nature in the War Department. Mr. Hull held at that time, quoting section 169, that where the statute had authorized the heads of the department to employ clerks and other laborers that it was in order, and he overruled the point of order. He used this language:

The first question is, What law authorizes this appropriation? The only law referred to is that contained in section 169 of the Revised Statutes, which is as follows:

Here he quotes the statute. This is a similar case, where the gentleman from New York [Mr. FITZGERALD] cites the statute, section 169, as authority for this legislation. Mr. Hull made this comment:

The next question, of course, is whether these clerks referred to in the items to which objection has been made are to be employed by the head of a department and in his department. The gentleman from Iowa, Mr. Hull, is quite correct in his statement of the ruling made by the occupant of the chair, Mr. Hopkins, as referred to on page 2404 of the Record, third session Fifty-fifth Congress, but it appears that at that time the Chairman of the Committee of the Whole was not familiar with the ruling of the Attorney General, which has been submitted to.

And he went on and held that these clerks were to be employed as contemplated in section 169 of the Revised Statutes. The Chair is of the opinion that section 169 would apply to the clerks in this item, and therefore overrules the point of order.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUBEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 20287. An act to amend section 5 of the act entitled "An act to incorporate the American Red Cross," approved January 5, 1905.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7531. An act to authorize the Secretary of Commerce and Labor to purchase certain land required for lighthouse purposes at Port Ferro Light Station, P. R.

The message also announced that the President pro tempore had appointed Mr. CLARKE of Arkansas and Mr. BURNHAM members of the Joint Select Committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the Executive departments," for the disposition of useless papers in the War Department.

The message also announced that the Senate had passed the following resolutions:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. GEORGE H. UTTER, late a Representative from the State of Rhode Island.

*Resolved*, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of those Representatives whose deaths have been announced, the Senate do now adjourn.

Also:

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of Hon. RICHARD E. CONNELL, late a Representative from the State of New York.

*Resolved*, That as a further mark of respect to the memory of those Representatives whose deaths have been announced the Senate do now adjourn.

Also:

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of the Hon. CARL CAREY ANDERSON, late a Representative from the State of Ohio.

*Resolved*, That as a further mark of respect to the memory of those Representatives whose deaths have been announced the Senate do now adjourn.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Expert examiners: For the employment of expert examiners not in the Federal service to prepare questions and rate papers in examinations on special subjects for which examiners within the service are not available, \$2,000.

Mr. BARTLETT. Mr. Chairman, I desire to offer an amendment to that paragraph.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 31, line 11, after the figures "\$2,000," insert the following: "Provided, That no part of the amounts appropriated under this paragraph or in this bill shall be used to pay for inspectors of the Post Office Department for expenses incurred in making selections and recommendations for the appointment of fourth-class postmasters."

Mr. JOHNSON of South Carolina. Mr. Chairman, I make a point of order against that amendment. It changes existing law and seeks to regulate Executive orders.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] makes the point of order that this changes existing law and Executive orders made under existing law.

Mr. BARTLETT. But, nevertheless, Mr. Chairman, under the rules of the House under which we operate we can change existing law if it reduces expenses. And the gentleman from South Carolina [Mr. JOHNSON] has stated in this House that the increase in the expenditures of the Civil Service Commission in its operations during the coming fiscal year was due to the fact of the Executive order issued on October 15. It will appear from the testimony which I called attention to which was taken before the subcommittee of the Committee on Appropriations, of which the gentleman from South Carolina [Mr. JOHNSON] is the chairman, that the increase in the expenditures was due to the fact that examiners would have to be appointed especially and their expenses paid by reason of this order. I will not undertake to reread that which I have read upon the subject from the hearings, but if the Executive order is law—and it is—we can at all times, even when we are not operating under the Holman rule, limit that expenditure, even though that expenditure were provided for by law. It is a simple limitation of the expenditure, and I need not, I apprehend, call the Chair's attention to the frequent ruling that, while you can not change the existing law, you can limit an expenditure under the existing law.

Mr. TRIBBLE. Mr. Chairman, I desire to join my colleague from Georgia [Mr. BARTLETT] in his protest against civil-service examination for fourth-class postmasters. I feel that I am especially justified in raising my voice against this Executive order, because if there ever was an official negro-ridden town it is the city of Athens, Ga., where I live. I have seriously considered the civil-service proposition as applied to post offices, and I see danger in the proposition. If you will analyze this order and its requirements you will find that the examination under the civil-service order will place in the fourth-class post offices in the South, as well as those in the other parts of the United States, many negroes. They will stand the examinations and take their places at the windows of small country and village post offices. I want to say to you here to-day that the people of this country will not stand for it. Gentlemen from all sections, let me say to you, your constituents in the West, in the East, or in the North will not stand for it. In my district there is a negro rural carrier. How would your constituents like that? It is not fair to my people; it is not just to the South. I shall not sit quietly in my seat and permit an order placing post offices under civil service, knowing that negroes will have the way open to stand behind the windows and deliver mail as postmaster, and not protest with all the earnestness of my soul.

This order becomes odious to my people the very moment negroes stand examination for post-office positions. Every man in this House would join in this fight to defeat this order if it placed you in the situation it places me. I know from experience the humiliation of negro officeholders, and I warn you here to-day of danger in the enforcement of that order. For 16 years, since my sojourn in Athens, there have been negroes in the post office of that classic city, and during 12 years of that time there was a negro postmaster. In this city the State university is located, and there are over a thousand students. To-day nearly every carrier in that city is a negro. White people will not stand the examinations and compete with these negro carriers. When an examination is held the negro is there.

The city carriers are not so objectionable as the rural carriers. A rural carrier goes among the country people. He meets the lady of the house at the door. She may be alone. She may be a widow, a sister, or an only daughter; to her he sells stamps, and she has to deal with this negro in all postal affairs. It is not fair to my constituents; they are law-abiding citizens and have submitted unwillingly. I repeat, it is not fair to any section of this country to place the holders of fourth-class post offices under a civil-service examination, especially the rural districts

in the South. This Executive order places fourth-class offices alongside the rural carrier and city carrier examinations, and you add to the negro carrier list a long list of negro postmasters in the South.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Mr. Chairman, will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. GILLETT. Does the gentleman from Georgia know of any cases where these negro carriers that he speaks of have abused their positions?

Mr. TRIBBLE. Yes.

Mr. GILLETT. Where?

Mr. TRIBBLE. I have made two fights since I have been in Congress before the Post Office Department against an official rural carrier who has been shown to be incompetent, ignorant, old, and offensive to the patrons, and yet he has been retained on that route. I made one fight on him before I was elected to Congress and I never expect to let up until a white man succeeds him. He can not read and write well enough to read the addresses on the pieces of mail, and yet the Post Office Department has refused to dismiss him.

Mr. GILLETT. Has there been any abuse of women?

Mr. TRIBBLE. I made no such charge as that in that case.

Mr. GILLETT. Have there been any charges of that kind in these cases?

Mr. TRIBBLE. None in the case of which I have spoken.

Mr. HILL. Mr. Chairman, when I entered Congress 18 years ago there were 167 post offices, according to my recollection, in the fourth district of Connecticut. About 32 of those were presidential and the rest were fourth-class offices. Now, I do not know that my experience is of any benefit whatever to gentlemen who are coming into full and absolutely complete control of the Government for the next four years. You notice I limit it to four years. [Laughter.]

Mr. MANN. Make it two years.

Mr. HILL. No; I will not limit it to two years. I will limit it to four years. By Executive order all but 32 of these post offices were taken from my jurisdiction, and the happiest time of my political life has been since they were taken away.

Make no mistake about that. I am a firm believer that not only the fourth-class offices but the presidential offices as well should be put under civil service. There is nothing in my experience that is so distasteful as a post-office fight, unless it is a school-district fight or a church fight, one or the other, and I am still in doubt as to which is the most distasteful. I believe that the wisest thing for you gentlemen is to have the recent Executive order go into effect and remain in operation.

I realize the conditions in the South to which the gentleman has referred, and that, as he says, the South will not stand it. I notice that you do stand it, so far as your house servants are concerned, and you do stand it in a great many other respects. I do not believe it is any worse for a colored man to hand you a letter through a general-delivery window than it is for a house servant to hand you your food at your meals. I am not going into that discussion at all. I am simply looking at it from my standpoint. From my standpoint, the wisest thing that can happen to you gentlemen is to be divested of the responsibility of naming postmasters.

I want to say another thing to you: A determined effort is doubtless being made to have that order revoked. Since I have been a Member of the House of Representatives from Connecticut no Democrat has ever been removed from a postmaster position in my district, and there is to-day one presidential postmaster there appointed by Grover Cleveland still serving. Why? Because I never felt it my duty to go around the district and hunt up some man to take his place and no Republican ever asked to have him removed, and there are several fourth-class postmasters appointed, as I recollect, by Grover Cleveland, who are still serving there or who were when President Roosevelt put them in the classified service.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. HILL. Certainly.

Mr. BARTLETT. What would the gentleman do if nine-tenths of the patrons of an office should ask him to have a particular person appointed to a fourth-class office, and there was no one else who objected to it? Would you not think that man ought to be appointed?

Mr. HILL. My rule has been this, that every man should serve out his time, and then if there was a Republican who made application, indorsed unanimously by the Republican town committee, I made it my business to see that the Republican was appointed, and I assume that every one of you would do the same thing.

Mr. BARTLETT. I know I would.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HILL. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BARTLETT. The gentleman did not answer my question. There are innumerable cases where appointments have been made to post offices where the applicant did not receive the indorsement of any of the patrons of the office, but was appointed solely upon the recommendation of some Republican referee who did not live in the town or in the district.

Mr. HILL. Of course I can not appreciate that condition. My rule has been this: If the Republican town committee were unanimous in behalf of any man, I recognized that committee as the official representative of the party in the town and carried out their wishes.

Mr. BARTLETT. I think the gentleman did right.

Mr. HILL. If they were not unanimous, I felt that the burden rested upon me, and looked at it always as a burden resting upon me to determine the case. Now, gentlemen, leaving out the question of the peculiar conditions in the South to which the gentleman has referred, and which I think are magnified in some respects, you will be better off to have that responsibility lifted from your shoulders than to carry the burden.

Mr. TRIBBLE. Will the gentleman yield for a question?

Mr. HILL. Yes.

Mr. TRIBBLE. I should like to know if this Democratic postmaster in the gentleman's district has not been voting the Republican ticket lately?

Mr. HILL. Possibly so; I do not know, and I do not care how he has voted. He has made a good postmaster, and no Republican in that town has ever asked for his removal. If they had united in asking for it, I should have removed him. I am frank to say that. I think you are entitled to the legitimate patronage of this office to which you have elected Dr. Wilson. The responsibility is going to be a terrific burden upon you, and you are just beginning to realize that. But I want to say to the gentleman from Georgia just one other thing, that there is a feeling in the North that you can not absolutely take away from the colored man in the South all of the privileges of citizenship if you hold him to its responsibilities. You can not always have representation on this floor by counting him as a citizen and absolutely ignoring him as a vital living factor in this Republic, and the time will come—I say it frankly to you—when the present system must be changed. You can not seat eight men on this floor with an aggregate of 23,000 votes and at the same time find each one of the Members on this side representing 35,000 to 40,000 votes. I do not know the best way to meet the situation, but it is one which you have got to face in the next four years, for it is not fair to us in the North.

But let that go as it is. I give it to you as my experience that when the hundred or more fourth-class post offices were taken out from under my responsibility by order of President Roosevelt it was the happiest time of my political career. [Applause.]

Mr. COOPER. Mr. Chairman, I ask unanimous consent to address the House on this question.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. COOPER. Mr. Chairman, some years ago, at the time of the famous Machen case, which the House will remember, this question as to the repeal of all appropriations for the Civil Service Commission came up. During the debate I opposed the repeal and quoted from the utterances of some very distinguished statesmen who had been perfectly familiar with the abuses which existed prior to the enactment of the civil-service law.

I will read from my speech in that debate what Gen. Garfield said in an article in the Atlantic Monthly, and also what other distinguished men said in the Senate and on the floor of the House:

One-third of the working hours of Senators and Representatives is hardly sufficient to meet the demands made upon them in reference to appointments in office. \* \* \*

The present system \* \* \* impairs the efficiency of the legislators; \* \* \* it degrades the civil service; \* \* \* it repels from the service those high and manly qualities which are so necessary to a pure and efficient administration; and, finally, it debauches the public mind by holding up public office as the reward of mere party zeal.

To reform this service in one of the highest and most imperative duties of statesmanship.

On the floor of the House, Gen. Garfield said, on the 4th of March, 1870:

We press such appointments upon the departments; we crowd the doors; we fill the corridors; Senators and Representatives throng the offices and bureaus until the public business is obstructed; the patience of officers is worn out, and sometimes, for fear of losing their places by our influence, they at last give way and appoint men, not because they are fit for their positions, but because we ask it.

President Grant, speaking in 1870 of the great evils of the spoils system, said:

There is no duty which so much embarrasses the Executive and heads of departments as that of appointment, nor is there any such thankless labor imposed on Senators and Representatives as that of finding places for constituents. The present system does not secure the best men, and often not even fit men, for the public places. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States.

Senator Vest, a very distinguished Democrat from Missouri, said:

When I entered the Senate I became chairman of the Committee to Examine the Several Branches of the Civil Service, and for two years I was engaged with the rest of that committee in taking testimony upon the subject of civil-service reform. That very great evils exist there can be no sort of question—evils so monstrous, so deadly in their effects that men of all political parties have come to the conclusion that some remedy must be applied.

That evils exist there can be no sort of question. Money has become the great factor in the politics of the United States.

Now, Mr. Chairman, I will read only one more quotation. It is from an equally distinguished Democrat, who served the Nation with distinction in the Senate and afterwards in the diplomatic service at the Court of St. James, Senator Bayard, of Delaware.

Senator Bayard said:

No man obtained an office except he was a violent partisan, and the office was given to him as a reward for party services; and so things went on until the offices generally were filled under that system, which was false and dangerous in the extreme—a system which, as my friend from Ohio said, is absolutely fatal to the integrity of republican institutions, I care not what party or under what name it may be organized and carried on.

Mr. Chairman, that is the testimony of witnesses of unimpeachable character and of the highest ability—statesmen, Democrats as well as Republicans—depicting the evils and abuses then in vogue, and speaking for the betterment of the service. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to address the House for two minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I want to ask the gentleman from Wisconsin [Mr. COOPER] a question, if he will permit me. I agree substantially with all that Senator Vest said, and I agree generally with the doctrine of an orderly and permanent civil service. My misgivings with reference to it have grown out of the fact that in my judgment every time that you strengthen the civil service you increase the army of pension beggars, and at last you will have a horde of them supported by pensions.

If the President, for whom I have great respect, wanted to be perfectly fair, should he have waited until the close, or nearly the close, of his administration, when practically every office in the South had been filled with Republicans, and then put this blanket of civil-service protection over them and deny the people in a large section of this country the right to be represented by men whom they want in office?

Mr. HILL. Mr. Cleveland did the same thing.

Mr. SLAYDEN. If he did the same thing, I will say that he did what I do not approve.

Mr. HAMILTON of Michigan. I desire to call the gentleman's attention to the fact that a large number of the fourth-class postmasters were covered into the civil service under Mr. Roosevelt.

Mr. SLAYDEN. Surely the gentleman does not expect me to approve of what President Roosevelt did.

Mr. HAMILTON of Michigan. But the gentleman has stated that all these postmasters—

Mr. SLAYDEN. Oh, no; I have reference to this last order, issued October 15, by the present incumbent of the Executive Office. Does the gentleman from Wisconsin think that it was fair and proper?

Mr. COOPER. Mr. Chairman, the gentleman's interrogatory consists of two branches.

Mr. SLAYDEN. Answer the last one first, please.

Mr. COOPER. The first one was whether the establishment of a civil service did not look to the establishment of a civil

pension list. That is a non sequitur. I do not see how one follows the other.

Mr. SLAYDEN. It does.

Mr. COOPER. I do not consider that men in office on salary are pensioners while they are discharging the duties of office. It is a misuse of words to apply the term "pensioner" to such a person. That answers that part of the interrogatory. To the next part of the question I would say this: It always has seemed to me that one of the greatest evils in our political life is the old-fashioned spoils system, under which men think that they have discharged their political duties when they have voted for a man who has appointed a postmaster to suit them. Then they become quiescent for four years, caring nothing about public affairs except who is postmaster.

Mr. SLAYDEN. Does the gentleman think he was fair in that order?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STANLEY. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STANLEY. Mr. Chairman, it is passing strange to me that gentlemen on the other side of the Chamber did not become conscious of their agony until after they were relieved of their pain. Usually men suffering under an intolerable burden, like men suffering from a bunion, complain of it at the time, but we have heard nothing of the woe of these gentlemen who have been forced to name these fourth-class postmasters under an antiquated spoils system until after the power to appoint them was gone, and then we are overwhelmed with jeremiads. Their pity for us in enduring and assuming this great burden is appreciated, but we would feel, down in our hearts, still greater gratitude and we would attribute to them greater sincerity if we had heard this tale of woe at an earlier date. For 16 years they have been in power and they have not spent 16 minutes of all that time in complaining of the monstrous iniquity of being forced to name fourth-class postmasters. Is it possible that these men could have understood—these able gentlemen—what a monstrous thing it was to be forced to fill fourth-class offices with postmasters most agreeable to their constituents; that that was altogether an iniquitous procedure, and that a President, 1,000 miles away, could perform the job much better? They are guilty of nonaction, of a conspiracy of silence akin to misfeasance, in keeping still so long. It is, the poet has said, a noble thing to suffer and be silent and strong. They have certainly borne their agony with amazing fortitude as long as they were called upon to endure it. [Laughter and applause.] If it was such a righteous thing—and God knows they were in dire need of having a President perform righteous acts for the last year or two—why did not some one of those gentlemen, so conscious of the iniquity of this system, whisper it a year or two earlier into the willing ear of the President of the United States? Years ago they might have been relieved, years ago they might have been happy, even as the gentleman from Connecticut [Mr. HILL] is happy; years ago they might have danced around this Chamber with the heavy load off their shoulders, with nothing to do but to consider great constitutional questions, with these letters about petty jobs off their desks and off their minds, if they had but spoken the word. But, Mr. Chairman, they forget the capacity for labor of a Democratic Congressman; they forget our willingness to suffer. [Laughter and applause.]

They forget how we love the people; they forget we worship that God who sees the sparrow's fall; that humble as we are, not so accustomed as those we succeed to the consideration of great constitutional questions, new in office, we are willing to listen to the plaintive cry of the humble postmaster and to take some time even from our more pretentious duties to attend to his claims and see that the will of the people in small communities is met and satisfied. [Loud applause on the Democratic side.]

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] made a point of order against the amendment offered by the gentleman from Georgia upon the ground that it changed existing law and limited Executive authority. A careful examination of the amendment will reveal the fact that it does not in any respect change existing law, but does place a limitation upon this particular appropriation and in a way limits the Executive authority. The rules of the House provide that you may place a limitation upon appropriations, and there are a number of rulings to the effect that you may place a condition upon an appropriation as to even limit the Executive authority. One quotation I have from Chairman Watson, of Indiana, will

convince the House of that ruling. In passing upon what is known as the "canteen" amendment he made this statement:

It has been repeatedly held in this House and is an invariable precedent that the House may provide that no part of an appropriation shall be used except in a certain way even though the Executive discretion be thereby restricted.

It seems to the Chair this is clearly a limitation on the appropriation and a possible limitation on the Executive discretion, and is in order under the rules of the House. The Chair overrules the point of order, and the Clerk will report the amendment.

The amendment was again reported.

Mr. MANN. Mr. Chairman, a few moments ago the gentleman from Kentucky [Mr. STANLEY] became very eloquent in defending the patronage system as to fourth-class post offices, and enunciated the doctrine, which I take it I agree with him on, that that side of the House is much more competent to seek jobs than it is to determine constitutional questions. [Applause on the Republican side.] The gentleman seemed to assume, however, that this side of the House has been enjoying in recent years the naming of fourth-class postmasters. It is very natural gentlemen on that side of the House should assume that because they have not had any connection probably with fourth-class postmasters—

Mr. BURLESON. Nor experience.

Mr. MANN. But a great majority of this side of the House for years have had nothing whatever to do with the appointment of fourth-class postmasters, because it was during the Roosevelt administration that fourth-class offices east of the Mississippi River and north of the Ohio River were placed in the classified service, and that rule was in fact applied to most of the other Northern States.

Mr. BARTLETT. May I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Georgia?

Mr. MANN. I do.

Mr. BARTLETT. Of course, I was aware of the fact that President Roosevelt placed the fourth-class post offices in a certain territory under the civil service a few years ago, but can the gentleman suggest any reason why the President withheld from its operation the other portions of the country south of the Potomac?

Mr. MANN. I can suggest a very good reason. It was not practicable with the limitations of the civil service to cover the entire country into the classified service at one time. Before these offices were covered into the classified service the rule had already been announced by the Post Office Department that it would not remove a fourth-class postmaster in office for the purpose of appointing a new one without charges and cause. These offices have not been patronage offices for many years to the extent that gentlemen on that side of the House assume. It is the fact that when the civil-service law was passed it was in contemplation at the time that as administrations were retired the President would issue orders covering new offices into the classified service, and most of the classified service now is composed of offices which were covered into that service under the civil-service law by retiring Presidents. I came to Congress with the McKinley administration, following the Cleveland administration.

President Cleveland, shortly before he went out of office, covered into the classified service most of the offices not then in which amounted to anything. I listened for some years to arguments and speeches on this side of the House, in the majority under the McKinley administration, much like those I have listened to on that side of the House. This side of the House, in control, had the nerve to stand against the demand of the few office seekers as compared with the many people to be served, and resisted the attempt to return to the undesirable spoils system of the offices of the country. [Applause.] You are now in a position where I hope you will have nerve to vote and not dodge. If you vote for this provision in the law it will be vetoed by the President, but you will be on record before the country as favoring the spoils system instead of the merit system. [Applause.] And when your own President goes into the White House he will not permit you, in the light of the history of his career, to return to the demoralizing spoils system those offices which are at the beginning of his administration under the merit system.

I dare you to vote this amendment into the bill. [Applause on the Republican side.]

Mr. CULLOP. Mr. Chairman, I will say, in reply to the gentleman from Illinois, that for one I shall vote for this amendment, and when I am voting for this amendment I am voting to tear down a rotten spoils system. These men who have had

their life tenure fixed by this order secured their offices by the spoils system, and you want us to ratify it now. It is in bad taste for any administration as it is going out of power and there is a change of party to undertake to fasten upon the country officeholders of its own political faith when that party has been repudiated at the polls. [Applause on the Democratic side.]

What does this extension of the civil-service class mean? It means to increase the power that is being brought to bear on Congress to-day to create a civil pension list. To-day the power of patronage in the hands of the Executive of this Nation, it matters not of what political faith, is one of the things that menaces the welfare of the country. Five hundred thousand men are subject to appointment, removal, promotion, or demotion in office by the order of the Chief Executive of this Republic. Behind them is a great sum as the annual pay in salaries. A most powerful leverage is brought to bear by virtue of this system to continue the administration in power. And the abuse of this patronage by the former President of the United States and the present Chief Executive brought about the downfall of the Republican Party in the last election. The present Chief Executive was nominated through the official patronage of the former President of the United States. He was renominated at Chicago last June by virtue of the Federal patronage and not as the choice of a majority of the Republicans in this country. It has been used as a political asset and created a great power.

It is time to eliminate it. It has been the subject of political abuse, and to-day these offices are filled by the appointees as Republicans, and they have not come into office by virtue of the civil service, but it is proposed they shall retain their office by virtue of it and feed for the remainder of their lives at the public crib. For one I shall oppose the proposition in whatever form it presents itself. Life tenure of office I deny is advantageous to the public service. It nullifies inspiration and ambition in the holder, because there is no inducement for him to exert himself and elevate the service. Service under it should be for a fixed period of duration, not to exceed four years, with opportunity of reappointment. Then there would be inducement for improvement of service, but as it now is there is none. He is fixed for life, and because of that fact he becomes indifferent in the discharge of his duties and careless as to public sentiment. Both of these are not likely to improve the service, and the public suffers in consequence thereof.

The civil-service law as administered has become a great political machine, and it is no surprise in view of this condition that nearly all appointees are of one political faith. It is no surprise in view of this fact that it has become a powerful factor in the Republican machine and plays an important part in every campaign. It was said many years ago by Roscoe Conkling, of New York, that it would become a "snivel service" instead of a civil service. Has it not practically become so now as administered? Does not everyone know that its administration for some years has been partisan, and as such it has manifested itself throughout every department of the service in which it is known? It needs attention and changes should be made or its beneficial purposes will all be nullified. We all favor good public service, but we know this law as now administered does not produce such a result, and we all deplore that fact. Changes in the law and its administration should be made in order to promote the service and secure to the people and the country the very best service possible.

Mr. JOHNSON of South Carolina. Mr. Chairman, the particular item in the bill to which the amendment of the gentleman from Georgia [Mr. BARTLETT] has been offered, provides for the employment of technical men to prepare examination questions upon scientific subjects. There is not a dollar carried in this bill to pay post-office inspectors to carry out the Executive orders. The post-office inspectors are provided for in the Post Office appropriation bill. This proposed amendment can have no effect in law. It limits no appropriation that is necessary to carry on the work under the last Executive order. If gentlemen want to come upon the floor and vote to repeal the civil-service law, let them do it in a proper manner, on a proper bill, from a committee having jurisdiction of that subject. Under the original law the Executive is authorized by Executive order to extend the civil service from time to time. You may by this vote express your disapproval of President Taft's order, but he could renew it to-morrow. You may by a vote upon an amendment that can have no legal effect put yourselves and your party in an embarrassing attitude before the country. After the 4th of March there will be another President. He will consider with great care whether or not the recent order of the President shall stand. He may modify it or he may, in

spite of any amendment we put here in this bill, extend it beyond its present scope.

Now, Mr. Chairman, I hope that we will not put ourselves in the attitude of making the country believe that we intend to evade either the letter or the spirit of the civil-service law. [Applause.] I believe that the committee acted wisely and justly when it increased the appropriation for the Civil Service Commission, in order that that commission might have ample force to carry on its work. So, now, what is the use of voting for this amendment to this particular paragraph of the bill? It carries \$2,000, with which to employ experts to prepare questions on scientific subjects—chemistry and things of that kind. The original law puts it in the power of the President to extend the civil service. You can not control the Executive unless you repeal the law, and for my part I do not want to repeal the law.

Mr. FITZGERALD. Mr. Chairman, I hope that the amendment will not be adopted. If the purpose be to prevent the use of certain appropriations to defray the expenses of post-office inspectors who are assigned to make investigations in connection with the appointment of fourth-class postmasters under the recent Executive order, it has not been drawn with the usual care and skill of the gentleman who presents it.

The gentleman from South Carolina [Mr. JOHNSON] has said there are no appropriations in this bill available for the pay of post-office inspectors or for their expenses. But if there were, Mr. Chairman, this amendment would not only prohibit the payment of money to post-office inspectors detailed to select persons to fill fourth-class post offices under the recent Executive order putting them in the classified service, but it would prevent the expenditure of money to defray the expenses of such inspectors to do that work if that Executive order were rescinded, suspended, or revoked. It provides that no part of the amounts appropriated under this paragraph or in this bill shall be used to pay inspectors of the Post Office Department for expenses incurred in making selections and recommendations for the appointment of fourth-class postmasters. Prior to the issuance of the recent Executive order the post-office inspectors were detailed for that very work. This would prevent, regardless of whether they were in the classified service or in the unclassified service, appropriations being utilized for such a purpose.

Moreover, Mr. Chairman, I do not believe it is proper to attempt to penalize an employee for discharging the functions of his office under orders of his superior. The post-office inspectors would have no discretion. If they were directed to make the investigation, even if Congress prohibited the payment of their salaries or expenses when engaged on certain work, they could not assign as a reason for not making it that a particular appropriation could not be utilized to pay them. They would have to do it, and Congress would be attempting to penalize a subordinate for discharging the duties of his office under the direction of his superior. Regardless of the merits of the controversy as to the wisdom or propriety of the order of the President placing fourth-class postmasters in the classified service, I feel quite confident that gentlemen on this side of the House do not wish to enact such a provision as this, that makes it impossible to utilize the post-office inspectors to investigate applicants for fourth-class post offices under any conditions or to penalize them if they do so, at the direction of their superiors. I hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 11, noes 67.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Establishment and maintenance of system of efficiency ratings for initial year: Clerks—1 (in charge) of class 3, 2 of class 2, 3 of class 1, 1 (stenographer and typewriter), \$1,000; 5 temporary clerks, at \$900 each, needed for one year during the installation of the system; in all, \$13,500.

Mr. FOWLER. Mr. Chairman, I make a point of order against this paragraph. It is new legislation.

The CHAIRMAN. Will the gentleman from Illinois point out in what particular it is new legislation?

Mr. FOWLER. It is not authorized by law, neither has it been carried in any previous appropriation bill. It is entirely new. No part of it has ever been enacted heretofore. There is no provision for any of the positions created in this paragraph, and it is entirely new legislation.

Mr. JOHNSON of South Carolina. Mr. Chairman, the last legislative bill provided that a system of efficiency ratings should be kept by the Civil Service Commission. This appropriation is made to enable the commission to carry out the duties imposed upon it by the law. I do not think it is necessary to say anything more.

The CHAIRMAN. The Chair will ask the gentleman if he has before him the provision in the last legislative bill. If the Chair understands the position of the gentleman from Illinois, it is that this is not authorized by law.

Mr. FOWLER. I desire to call the attention of the Chair to the note to Rule XXI in the Manual, beginning with the last paragraph:

An appropriation for an object not otherwise authorized does not make authorization to justify the continuance of the appropriation another year, and a mere appropriation for a salary does not create an office, so as to justify appropriations in succeeding years, it being the general rule that propositions to appropriate for salaries not established by law or to increase salaries fixed by law are out of order.

Citing authorities heretofore passed upon.

The CHAIRMAN. The Chair will ask the Clerk to read a portion of section 4 of the last appropriation act which the Chair has marked in brackets.

The Clerk read as follows:

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia, based upon records kept in each department and independent establishment, with such frequency as to make them as nearly as possible records of fact.

The CHAIRMAN. It must be very clear to the gentleman from Illinois [Mr. FOWLER] that this authorizes the creation of a system of efficiency ratings. To create such a system there must necessarily be employees to perform the work. This point of order would probably have been good against this provision in the former appropriation bill on the ground of being new legislation. The provision in the present bill is clearly within the authority authorized in the last appropriation bill, which the Clerk has just read from the desk. The Chair thinks the point of order is not well taken, this authorization having been fully made in the last appropriation bill.

Mr. FOWLER. But, Mr. Chairman, in that bill there was no creation of certain offices, which this bill purports to do. If the Civil Service Commission has the authority to discharge certain duties, there is no need, then, of specifying and limiting that Civil Service Commission to any certain line of duty by naming just the specific work, through certain offices, which shall be done. In other words, the Civil Service Commission law does not create the offices which are created in this paragraph, and it has been the universal holding, so far as I have been able to find, that an appropriation bill creating new positions and fixing new salaries is subject to a point of order, and that is just what I read from the book of rules of this House.

The CHAIRMAN. There is no question that the gentleman is correct, except where there is a specific provision authorizing certain work. Where you have a specific authorization there must necessarily be carried with it the power to do that work, and the Committee on Appropriations at this session is appropriating for clerks, and so carrying out the provision of law carried in the last appropriation bill. The point of order is overruled. The Clerk will read.

The Clerk read as follows:

For necessary traveling expenses, including those of examiners acting under the direction of the commission, and for expenses of examinations and investigations held elsewhere than at Washington, and including not exceeding \$1,000 for expenses of attendance at meetings of public officials when specifically directed by the commission, \$12,000.

Mr. FOWLER. Mr. Chairman, I make a point of order against at least a portion of this paragraph—that part which appropriates \$1,000 for the purpose of attending public meetings. It is new legislation, and in my opinion it is not warranted by any authority in the civil-service act.

The CHAIRMAN. The Chair will ask the chairman of the committee in charge of the bill whether that is new legislation.

Mr. JOHNSON of South Carolina. Mr. Chairman, I call the attention of the Chair to section 8 of the appropriation bill in which that law was first enacted.

No money appropriated by this or any other act shall be expended for membership fees or dues or any officer or employee of the United States or of the District of Columbia in any society or association, or for expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriation for such purpose or are provided for in express terms in the appropriation act.

That covers the exact language that we have followed here.

Mr. COX of Indiana. What is the gentleman reading from?  
Mr. JOHNSON of South Carolina. I am reading from the law limiting the expenditure of money for these purposes.

Mr. COX of Indiana. Section 8?

Mr. JOHNSON of South Carolina. Section 8 of the District of Columbia appropriation act for the current year.

Mr. FOWLER. But that is only for the District of Columbia.  
Mr. BURLESON. But it was made to apply to all the departments.

Mr. JOHNSON of South Carolina. That was where the law came from that limited it.

The CHAIRMAN. Has the gentleman from Illinois [Mr. FOWLER] anything further to suggest?

Mr. FOWLER. No.

The CHAIRMAN. It strikes the Chair, from the language read by the chairman of the committee having the bill in charge, that it was contemplated that the Committee on Appropriations should have authority and that it does have authority to make this specific appropriation, if they see proper, and the Chair thinks the point of order is not well taken. The point of order is overruled. The Clerk will read.

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

Mr. BARTLETT. A new independent paragraph at the end of page 31.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

That the Executive order of October 15, 1912, issued by the President of the United States, placing in the competitive classified service postmasters of the fourth class, is hereby repealed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

Mr. MANN. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

There was no objection, and the Clerk again reported the amendment.

Mr. JOHNSON of South Carolina. Mr. Chairman, I make a point of order against that as being legislation.

Mr. CULLOP. Mr. Chairman, the point of order comes too late; action had already been taken.

The CHAIRMAN. The gentleman from South Carolina raises the point of order against the amendment, and it occurs to the Chair that the gentleman from South Carolina is a little late, because the Chair looked around to see whether anybody rose, and then the gentleman from Illinois requested that the amendment be again reported.

Mr. JOHNSON of South Carolina. Mr. Chairman, I did not at first understand the reading of the amendment. The gentleman from Illinois asked for the reading a second time, and then I made the point of order as soon as I knew what it was.

Mr. BURLESON. Mr. Chairman, the gentleman from South Carolina was laboring under the apprehension that it was the same amendment that had been heretofore offered and to which the point of order had been made and overruled, and consequently he did not make it at first, but did as soon as he understood the purport of it.

Mr. MANN. Mr. Chairman, while I think the point of order was made too late, I did not make a point of order that it was too late.

The CHAIRMAN. It seems to the Chair that as to this question of a point of order being made too late it ought to be liberally construed, so that the House may have the benefit of the point of order if it is well taken, and the Chair in this case will hold that the point of order was made in time. The Chair does not pass upon the validity of the point of order, but holds that it was in time.

Mr. BARTLETT. Mr. Chairman, I did not make the point that the point of order came too late, because I understand how those things occur, and sometimes in the confusion Members do not understand the purport of the amendment offered. I admit frankly that it is legislation, and the purpose of it is to repeal that which is now law under the order of the President. I do not know, but I think it will reduce expenditures. So far as I am now concerned, Mr. Chairman, I am free to say that it is legislation upon this bill. There is no question about it, and I intended it to be legislation.

Mr. MANN. Mr. Chairman, Rule XXI provides in effect that an amendment is in order which shall retrench the expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money covered by the bill.

While it is clear that the amendment offered by the gentleman from Georgia is subject to a point of order, still if the gentleman from Georgia will offer an amendment reducing the \$12,000 of this appropriation to \$11,999, provided, etc., his

proposition will be in order under the Holman rule and under the repeated decisions of the Chair. I would like very much to aid the gentleman from Georgia in getting the proposition clearly before the House. I would like to know whether gentlemen on that side of the House who for the next few years will be engaged in telling applicants for office that they would appoint them if they could, but a cruel President forbids them the opportunity of recommending any man for these offices, will have the nerve when they have the chance given them of becoming job hunters instead of statesmen.

Mr. BARTLETT. Mr. Chairman, if I may be heard for a moment, I do not speak for anybody but myself, and I stand here to say right now that if the point of order is withdrawn I am ready to vote for this amendment. I offered it with the hope that I might have an opportunity to vote for the amendment to revoke and repeal this order which was enacted or passed on the 15th of October, 1912, about 15 days before the election, placing the fourth-class postmasters under the civil-service law. Now, I have not been a job hunter since I have been a Member of Congress.

Mr. MANN. The gentleman from Georgia has been and is a distinguished statesman, and I hope we will enable him to preserve that attitude.

Mr. BARTLETT. I have not been a distinguished statesman, and I have not aspired to that category. I have endeavored during the 18 years of service, two of which were during the last Democratic administration, to do the best in my ability, but then I was not a place hunter.

But, Mr. Chairman, we have this as the history of placing fourth-class postmasters under the civil-service law. It is a well-known fact in this country that the delegates to the Republican presidential nominating conventions from the South are composed, generally, of the postmasters and the United States officeholders in that section of the country, and a roll call of the delegates at any presidential convention of the Republican Party for the past few years would have been like calling the roll of the postmasters in the South. We believe they were placed in the classified service for political reasons and we believe that they were covered recently into the civil service in order to take care of political favorites, and I for one am ready to vote to repeal an order passed as this was done, for the purpose for which it was passed, to give the people I represent and the section from which I come an opportunity for once in 14 or 16 years to have some voice in the selection of the fourth-class postmasters, which they have not had for that period of time.

The CHAIRMAN. The Chair is ready to rule. It is not contended by anyone that this puts a limitation on appropriations or that it comes within what is known as the Holman rule. It is a clear change of existing law and is therefore subject to the point of order. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Office of chief clerk and superintendent: Chief clerk, including \$300 as superintendent of Treasury Building, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department, \$4,000; assistant superintendent of Treasury Building, \$2,500; clerks—4 of class 4, 1 of class 3, 2 of class 2, 2 of class 1, one \$1,000, one \$900; 2 messengers; 3 assistant messengers; messenger boy, \$360; storekeeper, \$1,200; telegraph operator, \$1,200; telephone operator and assistant telegraph operator, \$1,200; chief engineer, \$1,400; 3 assistant engineers, at \$1,000 each; 8 elevator conductors, at \$720 each, and the use of laborers as relief elevator conductors during rush hours is authorized; 8 firemen; coal passer, \$500; locksmith and electrician, \$1,400; captain of the watch, \$1,400; two lieutenants of the watch, at \$900 each; 65 watchmen; foreman of laborers, \$1,000; skilled laborers—2 at \$840 each, 2 at \$720 each; wiremen—1, \$900; electrician, \$1,200; 34 laborers; 10 laborers, at \$500 each; 1 plumber and 1 painter, at \$1,100 each; plumber's assistant, \$720; 85 charwomen; carpenters—2 at \$1,000 each; 1, \$720. For the Winder Building: Engineer, \$1,000; 3 firemen; conductor of elevator, \$720; 4 watchmen; 3 laborers, 1 of whom, when necessary, shall assist and relieve the conductor of elevator; laborer, \$480; 8 charwomen. For the Cox Building, 1709 New York Avenue: Two watchmen-firemen, at \$720 each; one laborer; in all, \$170,960.

Mr. FOWLER. Mr. Chairman, I reserve the point of order on the provision in line 10, page 35. I notice this bill carries a provision for an electrician, which is a new office. I would be glad to have the chairman explain the reason for this new office.

Mr. JOHNSON of South Carolina. Mr. Chairman, the current law provides for one wireman at \$1,000 a year. The testimony before the committee was that the man was a very efficient one. They desire to promote him from \$1,000 a year to \$1,200 a year because he is an expert, and to change his designation. In view of the fact that the Treasury Department has reduced its force by several hundred employees, the committee felt that when that department came before the committee and requested that a man's salary be advanced, giving good reasons

therefor, we ought to do something for them. If the gentleman from Illinois desires to assume the responsibility of keeping this workman up here in the Treasury Department, who is now receiving the salary of \$1,000 and is very efficient and worthy, from having an increase to \$1,200 we shall have to submit.

Mr. FOWLER. Mr. Chairman, I will be very glad to know why the committee did not increase the salary of the two skilled laborers who are receiving a salary of \$840 a year and the two at \$720 a year?

Mr. JOHNSON of South Carolina. Because there was nothing brought before the committee. There was no request that their salaries be increased, and no testimony given to the committee which would have justified the committee in increasing their salaries.

Mr. FOWLER. Mr. Chairman, I will be very glad to leave the \$1,200 as it stands, if the committee would increase the salaries of these two skilled laborers.

Mr. JOHNSON of South Carolina. Mr. Chairman, we can not do that. The gentleman understands there are 30,000 employees in the city of Washington, and the committee can have no knowledge of the efficiency and worth of any particular man unless it is brought to the attention of the committee. We do not know who these men are. They are presumably getting what they are worth.

Mr. FOWLER. Mr. Chairman, I will be very glad to say that I am in favor of increasing the salaries of these low-salaried people. They have been working for a long time at a bare subsistence on a very economical basis, and I have no disposition to hold down the salary of any of these low-salaried men; but I am going to insist that whenever there is an increase it shall cover at least a portion of the low-salaried men, and if it can not be applied to them, whenever there is an attempt to increase the salary of a high-salaried man I shall make the point of order. Inasmuch as this man is a low-salaried man, I shall refrain from making the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order and the Clerk will read.

The Clerk read as follows:

Division of Bookkeeping and Warrants: Chief of division, \$3,500; assistant chief of division, \$2,700; estimate and digest clerk, \$2,500; 2 principal bookkeepers, at \$2,100 each; 12 bookkeepers, at \$2,000 each; clerks—14 of class 4, 6 of class 3, 6 of class 2, 3 of class 1; messenger; 3 assistant messengers; messenger boy, \$480; in all, \$87,180.

Mr. FOWLER. Mr. Chairman, I reserve the point of order on that paragraph.

The CHAIRMAN. Does the gentleman from Illinois reserve the point of order to the paragraph?

Mr. FOWLER. No; to that portion of the paragraph which creates the office of messenger boy. I would be glad to ask the chairman of the committee what necessity there is for a new messenger boy, when the bill carries one messenger and three assistant messengers, the same as has been carried in the bill heretofore?

Mr. JOHNSON of South Carolina. Mr. Chairman, the Division of Bookkeeping and Warrants is unquestionably the most important division in the Treasury Department. It has intimate relations with every other division. It has more intimate and close relations with the Committee on Appropriations than any other division. It is through that division that estimates are all transmitted to the Congress. The work of this office increases from year to year, and we have given them one messenger boy only at \$480 a year. That is the only increase we allowed them, notwithstanding the great volume of work and the great responsibility. The situation is simply this: If we do not give them this messenger boy at \$480 it will be necessary to take some other person who is employed as a clerk or in some other capacity to do the work of carrying papers to the different departments that a boy would do if we allow him.

Mr. FOWLER. Mr. Chairman, if a messenger boy is absolutely necessary, I have no objection to it; but I desire to ask the chairman if the committee unanimously agreed to insert this new legislation?

Mr. JOHNSON of South Carolina. I do not remember there was any opposition whatever in the committee.

Mr. FOWLER. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Division of Appointments: Chief of division, \$3,000; assistant chief of division, \$2,000; executive clerk, \$2,000; law and bond clerk, \$2,000; clerks—3 of class 4, 4 of class 3, 5 of class 2, 6 of class 1, 4 at \$1,000 each, 1 \$900; messenger; 2 assistant messengers; in all, \$42,180.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information from the chairman of the committee. The Committee on Expenditures in the Treasury Department last summer had considerable in-

investigation in sifting out the contingent funds which Congress appropriated and gave to the Secretary of the Treasury for the purpose of improving conditions in the department. With a part of those funds the Secretary employed a firm in Chicago, I believe by the name of Young & Co., if I recollect correctly. They went through the Treasury Department rather carefully, and that committee recommended the abolishment of this Appointment Division, and I am not sure but what some committee formulated and prepared by the Secretary himself—I mean the employees of the department who were made members of the committee—recommended the same thing. I would like to ask the chairman of the committee now whether or not the committee of which he is a member has investigated that question, with a view of seeing whether or not there is any necessity for the maintenance of this bureau in the Treasury Department, or, in other words, whether it can be abandoned without crippling the service?

Mr. JOHNSON of South Carolina. This division is a very important one, I will say to the gentleman from Indiana. A great number of the people who are employed by the Government are bonded. A large number are under heavy bond. Now, this division not only appoints, sifts out in the various bureaus, and makes these formal appointments, but it keeps the bonds of all these officials. I would say frankly, while we have not directed any special investigation toward the abolishment of this particular division, the Treasury Department has shown such a determination to do away with useless employees and to abolish useless divisions that we have felt inclined to grant them within the bounds of reason what they did ask for. I think that the Treasury Department has reduced the force something like 700 people.

Mr. COX of Indiana. That is true.

Mr. JOHNSON of South Carolina. I do not know how many divisions have been abolished and consolidated, but no information has been brought to the committee that would justify the curtailing of any force for which they have asked.

Mr. COX of Indiana. Well, I desire to know whether or not the committee has made any inquiry along that line?

Mr. JOHNSON of South Carolina. We have not made any specific inquiry as to whether this division should be abolished, and particularly for the reason that the department shows such earnest efforts to do away with useless places.

Mr. COX of Indiana. One of the chief objections that I have observed to this division, as far as I am personally concerned, is, it seems to me, it serves as a rather circuitous route through which employees are procured for the department. If I understand the workings of the machinery in this bureau, if an application is made for an employee that application is made to the appointment division. The appointment division then calls upon the Civil Service Commission, and the Civil Service Commission makes its recommendations to the appointment division, and the appointment division fills the place that may be requested by the department. I was under the impression, while our committee had that matter under investigation, that so far as that part of the work was concerned it could be better served by the heads of the departments themselves than to have it go through the circuitous route that it now takes.

Mr. MANN. Will the gentleman yield?

Mr. COX of Indiana. I do.

Mr. MANN. Is not it a fact that the appointment division keeps the roster of the employees of the whole department, and that all promotions and every change in position goes through the appointment division?

Mr. COX of Indiana. That is true; and for that very reason before our committee last summer there was some very stringent criticism on it.

Mr. MANN. That may be.

Mr. COX of Indiana. And the criticism that seemed to our committee pertinent was, as I recall it now—it has been some time since I refreshed my memory on it—that the appointment division did not know the employees who really were entitled to promotion as well as the chiefs of bureaus themselves did.

Mr. MANN. As I understand, the chiefs of the bureaus make their recommendations, the matter is taken up by the appointment division, and questions in reference to efficiency are considered, and the appointment division lays those matters before the Assistant Secretary of the Treasury who has charge of those matters. The gentleman knows that Mr. Lyman, who is at the head of this division, was formerly Civil Service Commissioner under Mr. Cleveland?

Mr. COX of Indiana. And that very reason is what brought on some considerable criticism.

Mr. MANN. No doubt there has been a good deal of criticism of the appointments of the division, but I think it was because

it was not responsive enough in the opinion of certain gentlemen to political pressure.

Mr. COX of Indiana. The criticism was that when a recommendation was made to the chief of the bureau to this appointment division for promotion, sometimes the recommendation would be turned down by the appointment division, and that brought about some considerable criticism before our committee.

Mr. MANN. The gentleman understands that in many of these places it is almost impossible for the head of the division to determine in reference to the appointment without its going through somebody else's hands, of course. I do not know whether the appointment division is necessary or not. I do not see how the appointment division could be maintained in control of that part of it without having control of the calling upon the Civil Service Commission for original appointments.

Mr. COX of Indiana. That is what I recollect as being the chief criticism so far as that was concerned. This appointment division, if I recollect, has something to do with the collection of internal revenue or the payment of salaries in the internal-revenue department. Is that correct?

Mr. JOHNSON of South Carolina. The division of appointments under the order of the Secretary of the Treasury audits the accounts of the customs service, which amount to \$10,000,000 a year.

Mr. COX of Indiana. When you speak of the auditing of the accounts, that is the auditing of the salaries of the employees in the service?

Mr. JOHNSON of South Carolina. And other expenditures. The total expenditures of the customs service, amounting to \$10,000,000, are audited in this division.

Mr. COX of Indiana. Did the gentleman have any thought in this connection, whether this particular branch of that work would not be better served by turning it over to the customs department of the Government?

Mr. JOHNSON of South Carolina. During the last Congress the question of auditing the claims against the Government received very careful consideration at the hands of the Committee on Appropriations, because we found in many of the disbursing offices of the Government an auditing system had grown up. In other words, disbursing officers had gathered around them a sufficient force to transpose an ordinary disbursing office into an auditing office. So we went into the question of administrative audit with the departments of the Government, and in the last legislative bill provided there should be an administrative audit and that the disbursing officers should discharge the functions of disbursing officers. And we think we saved a great deal. And this since the last session of Congress has been the division that gives the administrative audits of the customs service.

Mr. COX of Indiana. I will state to the Chairman what was said. I do not know anything about it. I am simply asking for information. The criticism came from Mr. Young, expert accountant, that it should be abolished, and that it would effect an economy of \$40,000. And then another criticism came because of the circuitous route through which these appointments were made, and that the auditing in the payment of accounts growing out of the Internal-Revenue Service was in the customs service itself, but I do not know. I am stating now my recollection that some of the committee down there—I think a committee of five, or two out of three—reported at one time that it should be abolished, but I think the gentleman is right in saying that the Secretary himself did not approve of that committee of three. At least, if I recall correctly, his spokesman, if I remember right, Mr. Wilmeth, said it would not bring about any economy. So I simply wanted to get the gentleman's opinion about it, and as to whether they had looked into it with the view of abolishing it.

The Clerk read as follows:

The services of skilled draftsmen, and such other technical services as the Secretary of the Treasury may deem necessary, may be employed only in the Division of Revenue-Cutter Service in connection with the construction and repair of revenue cutters, to be paid from the appropriation "Repairs to revenue cutters": *Provided*, That the expenditures on this account for the fiscal year 1914 shall not exceed \$3,400. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the last paragraph read by the Clerk.

Mr. MANN. I do not expect to make the point of order. This provision, apparently, is contemplated to remain as per-

manent law, except the proviso. I do not know, but ordinarily a provision of this sort in the bill would apply only to the fiscal year in which the appropriation is made, and you limit that to \$3,400. That is all right. Then you go ahead with a provision that "a statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates." That would seem to contemplate a permanent provision of law, without any limitation in it at all, because the limitation of amount applies only to the fiscal year ending June 30, 1914. Do you want to make a provision of this sort, which has no limitation in it at all?

Mr. JOHNSON of South Carolina. Mr. Chairman, I would say that that contemplates an annual appropriation under the Chief of Engineers.

Mr. MANN. I understand that. They have some work. They are constructing some revenue cutters.

Mr. JOHNSON of South Carolina. They have some construction work to do in connection with the Revenue-Cutter Service. The gentleman who appeared before the committee—whether an Army officer or otherwise I am not sure—

Mr. MANN. He is not an Army engineer. I suppose it was the chief of the Revenue-Cutter Service.

Mr. JOHNSON of South Carolina. He said that the plans must be made.

Mr. MANN. I am calling the attention of the gentleman from South Carolina to this proviso, limiting the amount to be expended to \$3,400. But if this is a permanent provision of law, then there is no limitation hereafter.

Mr. JOHNSON of South Carolina. It is just like the provision that has been in the bill for 25 years. It is a lump-sum appropriation, and we require them to specify in each bill how much they have.

Mr. MANN. Is this in the current law?

Mr. JOHNSON of South Carolina. A similar provision is found elsewhere in the bill under the Chief of Engineers.

Mr. MANN. Here is the point about this: An item similar to this occurs in various branches of the service, where it is necessary to have it every year; but it is not necessary to have this every year in the Revenue-Cutter Service, I think.

Mr. JOHNSON of South Carolina. If they do not ask for it, we shall not appropriate it.

Mr. MANN. You do not have to appropriate at all. You have that permanent provision of law here, which does not require any appropriation. That is what I am calling to the gentleman's attention—that it is wholly outside the control of the Committee on Appropriations. If the policy of the committee is to expect to cover this every year, it is immaterial to me; but if you do not put this item in every year, mind you, and there were any appropriations for the repair of revenue cutters, they could transfer just as much as they pleased, because there is no limitation upon it.

Mr. JOHNSON of South Carolina. I will read to the gentleman what Mr. Allen said about it. He said:

In January, 1912, we abolished an office in Baltimore in which we had a draftsman, an assistant draftsman, and a clerk. They were handling the drafting work connected with repairs of revenue cutters. We thought we could do without them, but after trying it we find we can not. This new provision is drawn to correspond with one which appears in the naval appropriation bill each year. It will permit us to pay not to exceed \$3,400 for drafting and other services in connection with revenue-cutter work.

Mr. JOHNSON. There is no increase in the appropriation?

Mr. ALLEN. No increase. It simply enables us to expend from the appropriation for repairs this amount of money, which is required in making blue prints and kindred work. I do not think the work will be continuous or that we will have to spend \$3,400. We ask that because it was what it approximately cost us in Baltimore.

Mr. MANN. Well, he says he does not think the work will be continuous. Mr. Allen did not explain to you the real reason. I will. Probably he did not think about it, or was not aware of it; I do not know. But under the law appropriations for the construction of revenue cutters can not be used for the payment of employees in the District of Columbia for this kind of work. The money could be used over in Baltimore and the office was over in Baltimore. Then they brought the office over here, and it is very proper that the amount necessary for the repair of vessels of the Revenue-Cutter Service should be used for that purpose. But under your provision that goes into the permanent law. They do not have to ask you for it hereafter.

Mr. JOHNSON of South Carolina. The clerk to the committee, who understands these matters thoroughly, says that this item is identical with a number of others that we carry every year, and of course the gentleman from Illinois understands that this item will be carried from year to year, because, as I stated, this work was hitherto done in Baltimore and paid for out of appropriations for the Revenue-Cutter Service.

If we are going to use the money for the Revenue-Cutter Service in the District of Columbia there must be a specific authorization to that effect in order to make it law. Now, if they determine to dispense with the services of anybody in the city of Washington hereafter, then the estimates that come down to the Congress will not contain that item.

Mr. MANN. I think I will try to make myself more clear to the committee. Two or three years ago we made an appropriation for two new revenue cutters, with a limitation of cost. That limitation of cost is supposed to cover all of this work. The office was maintained outside of the District of Columbia, and there was no authority to maintain anybody inside of the District of Columbia for that work, except by specific authority of Congress. Now, under this provision hereafter, if it remains permanent law, whatever the Committee on Appropriations may do, the limit of cost will not cover the services of skilled draftsmen and other technical services in connection with the construction of these new revenue cutters, but that will be paid out of the appropriation for repairs to the revenue cutters. That is not a very desirable thing to do. However, I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The Clerk will read.

The Clerk read as follows:

Division of Mail and Files: Superintendent of Mail, \$2,500; registry clerk, \$1,800; distributing clerk, \$1,400; clerks—1 of class 2, 1 of class 1, 1 \$1,000; mail messenger, \$1,200; 2 assistant messengers; messenger boy, \$360; in all, \$12,300.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on the paragraph. I desire to inquire of the chairman of the committee why you increased the mail messenger's salary from \$1,000 to \$1,200?

Mr. JOHNSON of South Carolina. His salary was \$1,200. In submitting the estimates for the present fiscal year, by a mistake made by somebody, the estimate was made to call for a salary of only \$1,000. We provided in the law for the present year that his salary should be \$1,000, thereby reducing the salary \$200 on account of the mistake in the estimates.

Mr. FOWLER. But it is increased \$200 in this bill.

Mr. JOHNSON of South Carolina. As I have said, his salary for last year was \$1,200. The Treasury Department, in sending the estimates to Congress, called for a salary for this man of \$1,000, reducing the salary \$200 by inadvertence. The committee made the appropriation for the current year only \$1,000. It was purely a mistake, and we are simply putting the salary back to what it formerly was and to what it was intended to be.

Mr. FOWLER. I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

Office of the Supervising Architect: Supervising Architect, \$5,000; executive officer, \$3,250; technical officer (in lieu of chief, technical division, transferred from salary roll, sundry civil act), \$3,000; drafting division—superintendent (in lieu of chief constructor), \$3,000; assistant superintendent (in lieu of assistant constructor, transferred from salary roll, general expenses, sundry civil act), \$2,750; superintendent, computing division (in lieu of chief computer), \$2,750; mechanical engineering division—superintendent (in lieu of chief mechanical and electrical engineer), \$2,750; assistant superintendent (in lieu of mechanical engineer acting as assistant chief mechanical and electrical engineer, transferred from general expenses, sundry civil act), \$2,400; structural division—superintendent (in lieu of chief structural engineer, transferred from salary roll, general expenses, sundry civil act), \$2,750; assistant superintendent (in lieu of assistant chief structural engineer, transferred from salary roll, general expenses, sundry civil act), \$2,400; superintendent, repairs division (in lieu of architectural draftsman, acting as chief, repairs division, transferred from general expenses, sundry civil act), \$2,400; superintendent, accounts division (in lieu of chief of accounts division), \$2,500; superintendent, maintenance division (in lieu of chief of maintenance division), \$2,500; files and records division—chief, \$2,500; assistant chief (transferred from salary roll, general expenses, sundry civil act), \$2,250; head draftsman (in lieu of principal draftsman, transferred from general expenses, sundry civil act), \$2,500; inspectors—5 at \$2,300 each (transferred from salary roll, general expenses, sundry civil act), 4 at \$2,100 each, 3 at \$2,000 each (transferred from salary roll, general expenses, sundry civil act), 2 at \$1,800 each (1 transferred from salary roll, general expenses, sundry civil act); inspectors of supplies—1 at \$2,300 (transferred from salary roll, general expenses, sundry civil act), 1 \$1,800 (transferred from salary roll, general expenses, sundry civil act); administrative clerks—6 at \$2,000 each (transferred from salary roll, general expenses, sundry civil act); technical clerks—4 at \$1,800 each; clerks—8 of class 4, additional to 1 of class 4 as bookkeeper, \$100; 4 at \$1,700 each, 13 of class 3, 6 at \$1,500 each, 13 of class 2, 8 at \$1,300 each, 13 of class 1, 4 at \$1,100 each, 6 at \$1,000 each, 3 at \$900 each, 2 at \$840 each; photographer (transferred from salary roll, general expenses, sundry civil act), \$2,000; foreman, duplicating gallery, \$1,800; 2 duplicating paper chemists at \$1,200 each (1 transferred from salary roll, general expenses, sundry civil act, and 1 formerly clerk of class 1); foreman, vault, safe, and lock shop (transferred from salary roll, general expenses, sundry civil act), \$1,100; 4 messengers; 2 assistant messengers (1 transferred from salary roll, general expenses, sundry civil act); messenger boys—3 at \$480 each (transferred from salary roll, general expenses, sundry civil act), 2 at \$360 each (transferred from

salary roll, general expenses, sundry civil act); skilled laborers—4 at \$1,000 each (transferred from salary roll, general expenses, sundry civil act), 7 at \$960 each (transferred from salary roll, general expenses, sundry civil act), 1 \$900 (transferred from salary roll, general expenses, sundry civil act), 1 \$840 (transferred from salary roll, general expenses, sundry civil act); laborers—1 \$660, 1 \$600 (transferred from salary roll, general expenses, sundry civil act); in all, \$235,920.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. FOWLER. I desire to reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] reserves a point of order.

Mr. MANN. Perhaps we had better dispose of the point of order first.

Mr. JOHNSON of South Carolina. Does the gentleman make the point of order?

Mr. FOWLER. No; I do not make the point. I reserve it.

Mr. JOHNSON of South Carolina. It is not subject to a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois has not stated the ground of his point of order.

Mr. FOWLER. I reserved the point of order. I did not want to take the floor away from the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is no longer seeking the floor, and the Chair was trying to settle the point of order. What is the point of order?

Mr. FOWLER. I desire to know the reason for the increases of various salaries in this paragraph.

Mr. JOHNSON of South Carolina. There is not an increase of a salary in the paragraph. Heretofore a certain part of the force in the Supervising Architect's Office has been paid out of appropriations made in the legislative bill and another part of his force was paid out of appropriations made in the sundry civil bill. The last sundry civil act required that hereafter all persons who were paid out of the lump sums in the sundry civil bill shall be appropriated for in the legislative bill. So we have simply consolidated the two forces, as we are required to do by law. Not a single additional person has been provided for and not a single salary has been increased. They asked us to do both, both of which we refused to do.

Mr. FOWLER. In line 19, page 38, I see that the salary of the drafting superintendent is \$3,000, and it was carried in the last bill at \$2,750.

Mr. JOHNSON of South Carolina. The gentleman will find, if he examines that item, that the superintendent carried in this bill is the chief constructor, who was paid \$3,000.

Mr. FOWLER. Yes; but there was a drafting division, and the superintendent thereof in the last bill was paid a salary of \$2,750.

Mr. JOHNSON of South Carolina. The amount that is carried here at \$3,000 is carried in the last bill at \$3,000 under the words "chief constructor."

Mr. FOWLER. Then on the same page, line 21, under a heading of "General expenses," there was transferred from the salary roll one of the assistants who was drawing \$2,500, and under this appropriation in this bill he is given \$2,750.

Mr. JOHNSON of South Carolina. He was carried in the last bill as an assistant constructor at \$2,750, just what we have given him here.

Mr. FOWLER. In the other bill it was an assistant superintendent, and he only drew \$2,500. Now it is proposed to give him \$2,750.

Mr. JOHNSON of South Carolina. There is the law on page 202, assistant constructor, \$2,750.

Mr. FOWLER. And here he is assistant superintendent.

Mr. JOHNSON of South Carolina. He was carried in the last bill under the words "assistant constructor." We call it assistant superintendent instead of assistant constructor, but I state to the gentleman from Illinois that we have not changed a single salary in the paragraph.

Mr. FOWLER. Then how does the gentleman account for the increased appropriation?

Mr. JOHNSON of South Carolina. There is no increase.

Mr. FOWLER. In the last bill it was \$228,620 and now it is \$235,920, according to this bill.

Mr. JOHNSON of South Carolina. I thought I had explained to the gentleman that there were two forces in the Supervising Architect's Office; one part of the force was paid out of appropriations in this bill—the legislative bill—and the other part of the forces was paid out of appropriations in the sundry civil bill. The last sundry civil bill required that these forces should be consolidated, and that hereafter they should all be carried specifically in the legislative bill. So that this bill now

before the committee carries two forces that have hitherto been carried in that office under the two appropriations. But I state to the gentleman that not a single dollar is added to any salary and not a single person is added to the force.

Mr. FOWLER. Mr. Chairman, with the explanation given, I withdraw the point of order.

Mr. MANN. Mr. Chairman, as a matter of information I want to ask the gentleman a question or two. On page 39, at the end of line 3, commences the item "Structural division—superintendent (in lieu of chief structural engineer transferred from salary roll, general expenses, sundry civil act), \$2,750." As a matter of fact, that man is not transferred from the sundry civil roll, is he? Is he not the same as the structural engineer carried in the appropriation bill?

Mr. JOHNSON of South Carolina. They were paid out of a lump sum. They were specifically appropriated for in the sundry civil bill while a great many were paid out of a lump sum.

Mr. MANN. But we specifically provided for them in the legislative bill.

Mr. JOHNSON of South Carolina. Not in this particular.

Mr. MANN. I do not know where you will find anybody that corresponds to the chief structural engineer carried in the legislative bill.

Mr. JOHNSON of South Carolina. He is paid out of a lump-sum appropriation, outside of these two rolls, and he is brought into this bill.

Mr. MANN. Who draws a salary of the present chief structural engineer and the assistant structural engineer?

Mr. JOHNSON of South Carolina. I do not know any individual in the Supervising Architect's Office.

Mr. MANN. I do not mean the individual. We have here a chief structural engineer at \$2,750 and an assistant structural engineer at \$2,400, and these are the identical places carried in your bill, under the head of "Structural division—superintendent (in lieu of chief structural engineer transferred from salary roll, general expenses, sundry civil act), \$2,750, and assistant superintendent (in lieu of assistant chief structural engineer transferred from the salary roll, general expenses, sundry civil act), \$2,400." You say they are transferred from the sundry civil list when they are not.

Mr. JOHNSON of South Carolina. I will say to the gentleman from Illinois that the estimates that came down from the Treasury Department in regard to the consolidation of these two forces was the most complicated thing I ever saw, and the most competent man in Washington—and the gentleman knows to whom I refer—spent several days in unraveling it and getting all the men fixed.

I am perfectly satisfied, and I state it without any hesitation, that this bill as it is now written provides for every man who is provided for in the previous bills and does not provide for any more.

Mr. MANN. I think that is correct. I am not disputing that, but while a very competent man—the competent man—has been over this, still I take the liberty of making a correction even to him. This bill erroneously states that these two places are transferred from the salary roll of the general expense under the sundry civil act, whereas, as a matter of fact, they are both provided for by the current legislative appropriation bill and are not paid out of the sundry civil general expense account at all.

Mr. Chairman, I understand that the point of order was withdrawn.

The CHAIRMAN. The point of order has been withdrawn.

Mr. MANN. Mr. Chairman, I move to strike out the last word. As I understand, this, to a certain extent, remodels the office of the Supervising Architect. Of course, it is true it only brings together men who are paid out of different rolls. What information is the gentleman able to give the House with reference to the progress which the Supervising Architect's Office is making concerning that highly mooted question of the construction of public buildings heretofore authorized? I think it is due to the House that we be informed now what progress is being made by the Supervising Architect's Office, because I take it that we will soon again be up to the question of whether it is necessary for the House, in order to aid the public business in other matters, to pass a new bill providing for additional public buildings.

Mr. JOHNSON of South Carolina. Mr. Chairman, in the interest of my friends who are concerned in public buildings, I inquired of the Supervising Architect, or of some other authority, what progress they were making under the new regulations in regard to using old plans in part, and he stated that without increasing the force they would be able to get out plans much more rapidly than they had hitherto.

Mr. MANN. How many buildings have been already authorized, plans for which have not yet been prepared or begun?

Mr. JOHNSON of South Carolina. I can not answer that question, but quite a number of buildings have been authorized for which no plans have been begun.

Mr. MANN. Are there as many as several hundred?

Mr. JOHNSON of South Carolina. I think there are probably 200 or more.

Mr. MANN. Is the gentleman able to say whether, with the appropriation that is made here, the Supervising Architect's Office will be able to prepare the plans for the buildings already authorized within the next fiscal year?

Mr. JOHNSON of South Carolina. No. He stated that they had been preparing about 90 plans a year, but that under the changed conditions they would be able to get out about 110 with the same force.

Mr. MANN. I take it, then, that the gentleman does not consider it absolutely necessary at this time to authorize the construction of new buildings, except those that may be in the nature of emergencies?

Mr. JOHNSON of South Carolina. I think there are many things of far more pressing importance to this country than the construction of new buildings.

Mr. MANN. I was in hopes that we might get some observation from some member of the Committee on Public Buildings, but I suppose they are so busily engaged in attending to the ordinary duties of that committee, at the committee room, that they are not able to be present on this floor at this time, because I do not see any of them here.

The Clerk read as follows:

Office of Comptroller of the Treasury: Comptroller of the Treasury, \$6,000; Assistant Comptroller of the Treasury, \$4,500; chief clerk, \$2,500; chief law clerk, \$2,500; nine law clerks revising accounts and briefing opinions—one \$2,100, eight at \$2,000 each; expert accountants—six at \$2,000 each; private secretary, \$1,800; clerks—eight of class four, three of class three, one of class two; stenographer and typewriter, \$1,400; typewriter-copyist, \$1,000; two messengers; assistant messenger; laborer; in all, \$73,460.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on that portion of the paragraph touching the salary of the Comptroller of the Treasury, \$6,000. My recollection is that the law creating the office fixed that salary at \$5,500, and that his salary was increased, probably at the close of the Sixty-first Congress, by an appropriation committee. I would like to ask the chairman of the committee whether or not he thinks a salary of \$6,000 is really due that office?

Mr. JOHNSON of South Carolina. Mr. Chairman, I believe the salary is fixed by law at \$5,500. It has been increased not by this committee but by some former Congress.

Mr. COX of Indiana. At the close of the Sixty-first Congress, I think, it was increased.

Mr. JOHNSON of South Carolina. This committee is simply carrying the amount, that has been carried. The man who is at the head of that department is a very important man. He is one of the most powerful men connected with the Government so far as the expenditure of the public money is concerned. He must pass upon and construe every act of Congress that authorizes public expenditure, and this committee did not feel justified in undoing what a former Congress had done.

Mr. COX of Indiana. Was the gentleman from South Carolina a member of the Appropriations Committee when this increase was given him?

Mr. JOHNSON of South Carolina. No.

Mr. COX of Indiana. Simply followed the current law of the previous year. That is my understanding of it.

Mr. JOHNSON of South Carolina. Yes.

Mr. COX of Indiana. What does the gentleman really feel as to whether or not the office is worth \$6,000?

Mr. JOHNSON of South Carolina. Well, I think it takes one of the best lawyers connected with the Government service to fill it well.

Mr. COX of Indiana. I quite agree with the gentleman on that. It is a very responsible position, but I do not agree with the plan of increasing the salary in this way on an appropriation act.

Mr. JOHNSON of South Carolina. We have not increased it; we took it as we found it. Of course, it is subject to the point of order.

Mr. COX of Indiana. And I agree the gentleman's committee has not increased it, but it has been increased. Does the gentleman feel it ought to be \$6,000?

Mr. JOHNSON of South Carolina. Well, I think that the man in that place now has certainly earned \$6,000. I do not know who the next man will be. It is a very responsible position.

Mr. COX of Indiana. What I am trying to get at—perhaps I am not putting it to the gentleman in a fair way and manner—is whether or not he feels the salary of \$6,000 is commensurate with his responsibility.

Mr. JOHNSON of South Carolina. Well, certainly a man filling an office of that responsibility ought to have that amount of salary, and I should not care to fill it at all; the responsibility is too great.

Mr. COX of Indiana. Mr. Chairman, I will withdraw the point of order, then.

The Clerk read as follows:

Office of Auditor for War Department: Auditor, \$4,000; assistant and chief clerk, \$2,250; law clerk, \$2,000; chief of division of accounts, \$2,500; chief of division, \$2,000; 2 assistant chiefs of division, at \$1,900 each; chief transportation clerk, \$2,000; clerks—22 of class 4, 49 of class 3, 62 of class 2, 50 of class 1, 9 at \$1,000 each, 3 at \$900 each; skilled laborer, \$900; messenger; 5 assistant messengers; 10 laborers; messenger boy, \$480; in all, \$307,470.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on this paragraph. I desire to inquire of the chairman of the committee, on page 42, line 1, what is the necessity for two assistant chiefs of divisions at \$1,900 each, and also chief transportation clerk at \$2,000? All three of these positions are new.

Mr. JOHNSON of South Carolina. Those are new positions. Mr. Chairman, I want to say, if the gentleman desires to make a point of order against this item, that it is subject to the point of order; but I also want to call his attention to the fact that the appropriations for this particular office were reduced in the last year from \$336,750 to \$310,070, or a reduction in round numbers of \$26,700, and 21 people were dropped. There was a saving of \$26,000 and the services of 21 people were dispensed with. Now, as I have said on this floor before, and I repeat now, this department has shown such a commendable zeal in trying to reduce expenditures and to do away with useless employees that when we find them coming back here and asking us for a small increase of salary we feel like giving it to them.

Mr. FOWLER. Well, Mr. Chairman, I commend the gentleman's committee for its great work of retrenchment, but I thought that the work had been done by the force that is already provided for in the last legislative bill. Now here is an increase of three new positions over that of the last bill.

Mr. MANN. Is not there a reduction in this bill from two chiefs of division at \$2,000 to one chief of division?

Mr. JOHNSON of South Carolina. Yes; we drop out one man. We only have one in this bill.

Mr. MANN. There are two in the current law and one in this bill.

Mr. FOWLER. But in this bill there are two assistant chiefs of division.

Mr. MANN. There were two in the current law at \$2,000—that is, chiefs of division—and there is only one in this bill.

Mr. FOWLER. This is current law.

Mr. MANN. In the current law there are two chiefs of division at \$2,000 and in this bill there is only one.

Mr. FOWLER. I am speaking of assistant chiefs of division.

Mr. MANN. At \$1,900? I say they had two chiefs of division and they cut out one and there is only one additional office.

Mr. FOWLER. There were two transportation clerks?

Mr. MANN. No; there were two chiefs of division, and instead of that they drop one and make two assistant chiefs. I would like to say a word about the transportation clerks; I do not know anything about this item.

Mr. FOWLER. I wanted to ascertain the use for this transportation clerk. It seems to be an entirely new position.

Mr. MANN. If the gentleman will permit, for several years, at different times, I have taken up with the War Department the question of the railroad rates paid by that department for transportation. Of course, it is a very complex matter to figure out the railroad rates so as to get the best where you are shipping stuff throughout the United States. I have called the attention—because, I suppose, of my connection with the Committee on Interstate and Foreign Commerce so long on railway matters—of the War Department a number of times to the fact that in some cases the rates that were being paid for freight were probably higher than ought to be paid to secure transportation between two points, although I will say that the transportation branch of the War Department is, I think, exceedingly efficient. But the War Department is shipping both personnel and freight in very large amounts throughout the United States. It becomes extremely important to know whether we get the best rate that is practicable. When these items are passed upon by the War Department they must be audited in the Office of the Auditor for the War Department, and it is extremely important that we have a very efficient force in the auditor's office so that, if improperly or unnecessarily, the War

Department starts in to allow a higher rate of transportation or ships freight over a route where the expense is greater, they will be called down by the auditor's office.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. COX of Indiana. I do not know whether the gentleman has investigated this phase of the subject or not, nor do I know whether my information is accurate or not, but I have received information to this effect: For instance, the War Department would buy a carload of salt in New York City and ship it to Fort Sam Houston, Tex., where the freight during that haul would actually cost as much or more than the salt would cost; have you ever had occasion to investigate that question?

Mr. MANN. I think that is not the case, but I think this has happened: For instance, when the troops were ordered to Texas a year or two ago, or whenever it was, I ascertained that there was considerable freight shipped from the various Army posts to Texas, where probably the expense of the freight, together with the original cost, were far greater than would have been the expense of purchasing the material in Texas. Here was the case: The War Department had contracted to purchase, perhaps, hay to be delivered to Fort Sheridan, Chicago. They had purchased a lot of hay, and they had a lot of hay on hand. They had a contract agreeing to take a certain amount of it. Now, that was transferred in various ways to Texas, certainly at some higher expense than would have been the case if they had purchased the hay in Texas, but relieving the Government from responsibility under its contract for failure to carry it out and dispose of the material, which otherwise might have had to be sold at second hand. I investigated that matter in the Quartermaster General's Office, and have been over this freight matter with his office a number of times. It is a very complicated proposition.

Mr. FOWLER. Who has been discharging the duties of this transportation clerk heretofore?

Mr. MANN. Really I am unable to furnish my colleague information on this subject concerning the auditor's office. I do not know. My communications and work have been in connection with the Quartermaster General's Office, which incurred the original liability, but these accounts all have to be audited in the auditor's office. I say it is extremely important that there be an efficient force there, because any mistake that may be made in the Quartermaster General's Office will be corrected in the auditor's office. I do not know who occupies the place, nor am I familiar with the force in the office which has to do with that subject.

Mr. FOWLER. I can not understand the use of a transportation clerk in this department.

Mr. MANN. Well, this transportation clerk, I suppose—certainly of the office—has to audit all the freight bills of the War Department, an extremely complicated proposition. If the War Department wants to ship freight from Chicago to Omaha, or from Chicago to Texas, or anywhere else throughout the country, first you have the land-grant railroads that have to be taken into consideration, where you get a cheaper rate of freight. Then perhaps it is cheaper to ship by one route than another. Then there is a quarrel all the time as to classification of freight, and the War Department succeeds every once in a while in having the classification changed in the interest of the Government, and, on the other hand, the railroads are frequently seeking to change the classification of freight so as to put freight in a higher classification and charge more. Now, all these cases have to be figured out by the auditor's office as well as by the Quartermaster General's office, because the auditor has to audit these claims.

Mr. JOHNSON of South Carolina. I will give the gentleman in concrete form just what the difference is between the proposed bill and the current law. In the office of the Auditor for the War Department an assistant and chief clerk, at \$2,250, is provided for instead of a chief clerk and chief of division at the same salary; a chief of division, at \$2,000; two assistant chiefs of division, at \$1,900 each; and a chief transportation clerk, at \$2,000, are provided for instead of two chiefs of division, at \$2,000—that is one of these men who is taken care of under another designation—and two clerks, at \$1,800 each; and a reduction is made of one clerk, at \$1,000, and two clerks, at \$900 each, so that the appropriation in this bill is \$307,470, while in the current law it is \$310,070.

Mr. FOWLER. I know.

Mr. JOHNSON of South Carolina. We reduced that office \$26,750 this year below the figures of last year, and notwithstanding these slight changes here we are reducing it this year about \$3,000.

Mr. FOWLER. You reduced the number of clerks in class 4 from 24 to 22?

Mr. JOHNSON of South Carolina. Yes. They get \$1,800 each.

Mr. FOWLER. And you reduced from 10 to 9 the number of clerks drawing \$1,000 each, and from 5 to 3 the number of clerks drawing \$900 each?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. FOWLER. I congratulate the gentleman on the good service, but I could not understand the reason for this chief transportation clerk especially, and I do not yet.

Mr. JOHNSON of South Carolina. The gentleman from Illinois [Mr. MANN] has explained to his colleague that the transportation question is a very large question with the United States Government, and particularly with the War Department.

Mr. FOWLER. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For compensation on a piece-rate basis, to be fixed by the Secretary of the Treasury, of such number of employees as may be necessary to tabulate by the use of mechanical devices the accounts and vouchers of the postal service, \$166,960.

Mr. MANN. I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the paragraph.

Mr. MANN. I understand we authorize the Auditor for the Post Office Department to employ the piecework system in that office at least to a certain extent. How far is it expected that the piecework system is to be inaugurated in the auditor's office and other branches of the Government service, and what is the occasion for departing from the principle that the Government has maintained, as a rule, at least certainly in Washington, of employing competent people to work a certain number of hours a day, without starting in on the principle which is condemned generally by people of having people do work on the piecework basis?

Mr. FOSTER. May I inquire of my colleague whether under this a lump sum is given?

Mr. MANN. Yes.

Mr. FOSTER. And then the Auditor for the Post Office Department or the Secretary of the Treasury fixes the amount that should be paid for this piecework?

Mr. MANN. Of course they fix the amount. As I understand, this is done with machinery now. This is the work of tabulating money-order returns and money orders, I suppose. But is there a good reason for our starting in to establish the piecework system in the Government service? I think we have not done it in the Census Office, although the work there is very similar.

Mr. FOSTER. Is it the gentleman's idea, then, that in operating these machines they should be operated by persons who are employed on a yearly salary instead of by the piecework system?

Mr. MANN. Yes; that is on one side of it, and the piecework system is on the other side.

Mr. FOSTER. Is it possible that these machines are not operated continuously, and for that reason it might be more convenient and economical to use the piecework system?

Mr. MANN. Oh, no. These machines are operated just as continuously as machines in any other branch of the service are operated. This is the operating work, I understand, of the money-order division, work formerly done by hand under a very poor and long-drawn-out system. This introduces the machine-tabulation system, a very desirable thing to do. But why is it necessary to introduce the piecework system simply because we introduce the machines?

Mr. FOSTER. Like my colleague, I am trying to get some information. As I understand it, they use these tabulating machines in the Census Office.

Mr. MANN. They do not use these machines, but they do use tabulating machines.

Mr. FOSTER. Machines of this kind.

Mr. MANN. They use tabulating machines.

Mr. FOSTER. Are they on a piecework basis?

Mr. MANN. I think not. I do not know whether any of them are. Personally, I doubt the desirability of introducing the piecework basis in the departmental service.

Mr. FOSTER. What is the objection?

Mr. COX of Indiana. What is the objection to putting them on a piecework basis?

Mr. MANN. We have had discussed here and elsewhere, for instance, the Taylor efficiency system.

Mr. COX of Indiana. This does not apply to the Taylor efficiency system, does it?

Mr. MANN. No; but this applies the Taylor efficiency system to us. The inevitable result, where people work upon a piece basis, is that they strain themselves in doing the work, or many of them do, and, as a rule, work that can be fairly measured and compensated by day work is not put on the piece basis and ought not to be.

Mr. COX of Indiana. I take it when the gentleman says they strain themselves in doing piecework that they do it because the more work they do the greater is their pay?

Mr. MANN. Certainly.

Mr. FITZGERALD. I do not believe that is the objection to piecework among mechanics. The objection that labor organizations have had to the piecework system has been that after the rate per unit had been fixed, especially skillful men, who are known as pacemakers, are able to earn what the people in control of the establishment consider to be more than a man in their position of life ought to be paid, and they regulate the rate per unit upon the ability of the pacemaker, so that the average man and the man a little below the average is unable to earn reasonable compensation for his work. That is the objection that mechanics and labor unions usually have to the piecework system.

Mr. MANN. The gentleman is correct, but I did not quite finish my statement. Some people absolutely strain themselves under a piecework system, and through that and through personal adeptness are able to turn out a large amount of work. Others are told that they ought to be able to do as well. If they do as well, the result is a decrease in the compensation per piece, and if they do not do as well they are apt to be fired from the service.

Mr. BUCHANAN. I should like to ask the gentleman in charge of the bill, When did the Government establish a piecework system of this sort and why was it done?

Mr. JOHNSON of South Carolina. Piecework has been going on in this particular department for two or three years, I think.

When the Auditor for the Post Office Department was before the Committee on Appropriations he was asking that annual leave be extended to people engaged in this piecework, and this bill extends it to them. This question was asked Mr. Kram:

Mr. GILLET. Has this piece system worked well?  
Mr. KRAM. It has been very satisfactory. An analysis of the pay rolls shows that the average compensation paid employees transferred from the salary roll to the piece-rate basis has been increased 15 per cent as a result of the transfer. On the other hand, the increased output of work has reduced the cost of key-punching cards from 24 cents per hundred to 15 cents per hundred, resulting in a net saving to the Government of approximately 36 per cent.

Mr. BAILEY. There was a decrease of \$100,120 last year in that office.

So that under the piecework system, as it is in operation in the auditor's office, the employees have increased their earnings 15 per cent and the Government has had a saving of 36 per cent.

Mr. BUCHANAN. Is there any other reason? Is it due to the piecework system that this result has been obtained? I hardly see how the compensation of employees could be increased to that extent and the cost of the work reduced to that extent as a result of the piecework basis. It must be due to some new methods of doing the work or something of that kind.

Mr. JOHNSON of South Carolina. The labor-saving devices I have never seen, but these people are not complaining.

Mr. BUCHANAN. I am opposed to the Government establishing a piece-rate system without there is some special reason, because a piece-rate system, as a general thing, has proved to be to the disadvantage of the working people. Wherever it has been changed from piecework to day wages the employees as a rule are satisfied, and it has been at their request.

Mr. JOHNSON of South Carolina. I will call the gentleman's attention to the fact that we are not inaugurating the system.

Mr. BUCHANAN. There can be no good results from the piecework system.

Mr. FITZGERALD. This does not set a precedent. The Government pays on the piece-rate system in a number of departments. In the Government yards in a number of lines the mechanics were paid on a piece-rate basis. At first they were reluctant to have it established, but now they are heartily in favor of it. The reason is that the same changes and conditions were not common in Government employment that has been common in private establishments. It seemed to the committee that this was one of those exceptional cases in the auditor's office and the Post Office Department. This applies only to those employed on the auditing of the money-order receipts. The result has been that instead of taking nine months from the time the money order was issued to complete the audit they are now completed in about three months. I

do not understand that there is any objection whatever on the part of the employees.

Mr. JOHNSON of South Carolina. We have heard no complaint whatever from any employee who is working on a piecework basis. There are many people so employed in the Government Printing Office, in the Bureau of Engraving and Printing, in the navy yard, and all through the Government service, and we have had no complaint.

The Clerk read as follows:

The Secretary of the Treasury may, during the fiscal year 1914, in his discretion, diminish the number of positions of the several grades below the grade of clerk at \$1,000 per annum in the office of the Auditor for the Post Office Department and use the unexpended balances of the appropriations for the positions so diminished as a fund to pay, on a piece-rate basis, to be fixed by the Secretary of the Treasury, the compensation of such number of employees as may be necessary to tabulate, by the use of mechanical devices, the accounts and vouchers of the postal service.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman for information in relation to tabulating machines, whether it is intended to purchase them or whether they are to be used by the Government for an annual rental?

Mr. JOHNSON of South Carolina. We buy some and we rent others. We are carrying in this bill—and have been carrying for a number of years—an item under the Census Office authorizing them to make experiments in developing calculating machines. In the taking of the last census we purchased outright and acquired many machines at very much less expense than 10 years before it had cost us to rent them. In 1900 it cost about \$400,000 to rent the machines that were used in the tabulation of the census returns. In 1910, under this system of appropriating from year to year a small amount of money for developing these tabulating machines, we are able, for something over \$300,000, to develop and buy the machines that were needed.

The machines that are used in the Census Office for the purpose of enumerating the population will be used in the Auditor's Office for the Interior Department in auditing pension checks.

Mr. FOSTER. Does the gentleman know about the value of those machines?

Mr. JOHNSON of South Carolina. No; I am not familiar with their value. I believe where we can not buy and must rent that the rental is excessive, and that is why the Government is trying to develop and improve machines.

Mr. FOSTER. The hearings show that \$480 was paid as an annual rental for certain machines and \$240 for others. Did the committee get any information as to the value of those machines?

Mr. JOHNSON of South Carolina. No; we have not the information to enable us to state accurately what one of these machines would be worth on the market if sold. Unfortunately they are not sold; they are protected by patents; and the owners refuse to sell and the Government is obliged to rent. In these cases I am satisfied that the rental is excessive.

Mr. FOSTER. Are there no other tabulating machines except these that they rent that are successful?

Mr. JOHNSON of South Carolina. There are many devices. I am not familiar with them, but all the time improvements are in progress.

Mr. FOSTER. There is no particular competition in reference to renting these machines, but the department, I suppose, selects the kind that they believe best adapted to the purpose.

Mr. JOHNSON of South Carolina. They select the machines best adapted to the purpose in hand.

Mr. FOSTER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Office of the Commissioner of Internal Revenue: Commissioner of Internal Revenue, \$6,000; deputy commissioner, \$4,000; deputy commissioner, \$3,600; chemists—chief \$3,000, 1 \$2,500; assistant chemists—2 at \$1,800 each, 1 \$1,600, 1 \$1,400; heads of divisions—4 at \$2,500 each, 5 at \$2,250 each; superintendent of stamp vault, \$2,000; private secretary, \$1,800; clerks—3 at \$2,000 each, 31 of class 4, 27 of class 3, 41 of class 2, 40 of class 1, 32 at \$1,000 each, 42 at \$900 each; 4 messengers; 21 assistant messengers; 16 laborers; in all, \$359,990.

Mr. FOWLER. Mr. Chairman, I reserve the point of order on this paragraph. I shall confine it to some specific parts. I desire to ask the chairman of the committee the necessity for creating a chief chemist and an assistant chemist?

Mr. JOHNSON of South Carolina. They are simply brought from another place.

Mr. FOWLER. But the chemist in the last appropriation bill drew only \$2,500 a year. Then there was another chemist.

Mr. JOHNSON of South Carolina. If the gentleman will look at the copy of the law he has in his hand, he will find that last year there were three short paragraphs providing for

that force, and if he will look in the second paragraph he will find a chief chemist provided for at \$3,000. It is simply a consolidation of all of them, and they are merged into one paragraph.

Mr. FOWLER. That may be true. I am inclined to think the gentleman is correct about that. I desire, however, to further ask why it is that there is an increase in the force.

The bill provides for "heads of divisions, four at \$2,500 each." Last year there were provided only three at \$2,500 each.

Mr. JOHNSON of South Carolina. We increased the force in that office by one clerk at \$2,000, one clerk at \$1,800, one clerk at \$1,600, and the salary of the head of one division was increased from \$2,250 to \$2,500.

Mr. FOWLER. What was the occasion for that increase?

Mr. JOHNSON of South Carolina. The occasion for the increase in the office of the Internal Revenue Commissioner is that he has charge of the collection of many millions of revenue. The commissioner stated before the committee that within reasonable limitations for every dollar that we gave him he could increase the revenues many dollars.

Mr. FOWLER. Could he not increase it with a salary of \$2,000 the same as with a salary of \$2,500?

Mr. JOHNSON of South Carolina. We gave one man an increase of \$250. Outside of that there is no increase in anybody's salary. We simply gave him an increase of force.

Mr. FOWLER. I see there is an increase of the force all along.

Mr. JOHNSON of South Carolina. We have not increased the force in the same proportion that the work has been increased.

Mr. FOWLER. There is an increased appropriation of \$23,990 over that of last year.

Mr. JOHNSON of South Carolina. Yes; and the work in that office is very rapidly increasing.

Mr. FOWLER. Which one of the clerks received an increased salary of \$250?

Mr. JOHNSON of South Carolina. It is the clerk that passes on technical matters in that office relating to the collection of over \$150,000,000 a year. He is certainly a man of very great ability. He passes upon the technical matters in that office involved in the collection of \$150,000,000 a year, and we thought he was certainly entitled to the salary that we provide.

Mr. FOWLER. Mr. Chairman, I desire to make the point of order against the increase in the salary of that clerk.

The CHAIRMAN. Does the gentleman withdraw the other point of order?

Mr. FOWLER. I desire to make the point of order against the increase in chief of division. I think there is the creation of a new clerk under the item "Heads of divisions." There were three in the last appropriation bill and four in this at \$2,500.

Mr. JOHNSON of South Carolina. But we have the right to increase the number of men to do the work from year to year. The current law is taken as fixing the salary, and an increase in salary is subject to the point of order. But to give six clerks instead of four is not subject to a point of order; otherwise the governmental service could never grow with the growth of the country.

Mr. FOWLER. Mr. Chairman, I think the whole paragraph is subject to the point of order. If the gentlemen are not willing to point out those increases where there can be a specific point of order made against the increase of salaries, I desire to make the point of order against the whole paragraph. This bill came in at such an hour that it gave no one of the Members of the House an opportunity to make an examination of it in order to point out specifically all of the increases.

Mr. MANN. Mr. Chairman, there is, I believe, authority under the statutes for the appointment of heads of division or chiefs of division. Of course if there be no such authority as that, there is no authority for appropriating for any of these heads of division. Now, what has been done in this case? In the current law there are three heads of division carried at \$2,500 each and six heads of division carried at \$2,250 each. It is quite competent for Congress to increase that to four heads of division at \$2,500 and seven heads of division at \$2,250, because the number of heads of division is not limited by any act of Congress. The Treasury Department having authority under the law to have heads of division, the number is wholly within the control of Congress, and we are not limited by the existing appropriation act as to the number. Now, what has been done by this bill is, in fact, to increase the number of heads of division at \$2,500 by one and decrease the number of heads of division at \$2,250 by one, and it is assumed by gentlemen that there was some one individual who is increased

from \$2,250 to \$2,500. On the contrary, it may be that the Treasury Department proposes to abolish one of the heads of division now existing, which it has the right to do, and provide for a new head of division, which it has a right to do. The items must be considered entirely apart from each other, so far as the bill is concerned. Private information which gentlemen may have which leads them to assume that a particular individual or a particular head of division is to have an increase of salary is not shown on the face of the bill and is not information for the use of the Chairman of the committee on the point of order. We could make this four heads of division at \$2,500 if we can provide for one at all, hence the item is not subject to the point of order.

Mr. JOHNSON of South Carolina. Allow me to interrupt the gentleman. In 1866 Congress specifically authorized seven heads of divisions, at an annual salary of \$2,500, for the Internal Revenue Office, so we are within the law.

Mr. MANN. Well, if the law fixes seven at \$2,500, four certainly comes within the law.

The CHAIRMAN. The Chair understood the gentleman from South Carolina to make the statement that the organic act itself authorizes seven of these heads of divisions.

Mr. MANN. That is my understanding.

Mr. JOHNSON of South Carolina. The statute passed in 1866 authorized seven heads of divisions at \$2,500. We put in this bill only four at that amount.

The CHAIRMAN. It seems to the Chair it is quite clear that if the statute authorizes seven of these heads of divisions it is a mere matter of discretion with Congress as to how many they will create in the different divisions; and if the statute does authorize it, the point of order will not be considered as being well taken.

Mr. FOWLER. Well, Mr. Chairman, there is an increase in the various positions subordinate to the chiefs of divisions.

The CHAIRMAN. The Chair understood the gentleman from Illinois [Mr. FOWLER] to make the point of order upon the ground that on page 48, line 1, the word "four" was inserted instead of the word "three."

Mr. FOWLER. I say I made the point of order against the paragraph and was trying to pick out the specific instances wherein there was an increase, but the bill is so drawn that it is difficult to get at the specific increases at a glance. It has certainly increased the appropriation, which is patent on its face. For instance, in the case of clerks there are three at \$2,000 each, wherein there was only a provision for two. Another class of clerks of the fourth grade are increased from 29 to 31, of the third grade from 25 to 27, and of class 2 from 37 to 41, and of class 1 from 37 to 40. Then, there is an increase of messengers from 3 to 4, which makes it patent upon the face of the bill there is an increase.

The CHAIRMAN. It is the understanding of the Chair there is an increase in the total appropriation on this item, but the point I understood the gentleman from Illinois to make was that he made the point of order that the committee had no right to make these increases.

Mr. FOWLER. No; I am making the point of order against the entire paragraph because of the fact of these increases; there is an increase in the appropriation.

The CHAIRMAN. The Chair is ready to rule on that question. Congress is authorized by the organic act to provide heads of divisions and clerks. It is a mere matter of discretion of the committee as to the number they will carry under each one of these heads. The point of order is overruled.

The Clerk read as follows:

Office of Surgeon General of Public Health Service: Surgeon General, \$6,000; chief clerk, \$2,000; private secretary to the Surgeon General, \$1,800; assistant editor, \$1,800; clerks—3 of class 4, 2 of class 3, 6 of class 2, 1 of whom shall be translator, 7 of class 1, 3 at \$900 each; messenger; 3 assistant messengers; 2 laborers, at \$340 each; in all, \$43,780.

Mr. FOWLER. Mr. Chairman, I make a point of order against this paragraph.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the paragraph—line 23, page 50.

Mr. FOWLER. In line 18 the salary of the Surgeon General is increased from \$5,000 to \$6,000, which is an increase of \$1,000. There is also an assistant private secretary at \$1,800 and then an assistant editor at \$1,800. The assistant editor is a new office. I desire to ask the chairman of the committee the reason for increasing the Surgeon General's salary?

Mr. JOHNSON of South Carolina. Mr. Chairman, I was going to ask the gentleman from Illinois if he did not vote for an act approved August 14, 1912, which passed this House on a Calendar Wednesday, specifically increasing the salary of the Surgeon General from \$5,000 to \$6,000 a year?

Mr. FOWLER. I will ask the gentleman if that was not in an appropriation bill and not in a general bill?

Mr. JOHNSON of South Carolina. It was a special act that came from the Committee on Interstate and Foreign Commerce.

Mr. MANN. I have the act here.

Mr. FITZGERALD. It came up one Saturday afternoon when nobody anticipated it would come up.

Mr. FOWLER. What have you to say about the editor?

Mr. MANN. Mr. Chairman, I probably can answer the question of my colleague from Illinois in reference to the editor, unless the gentleman from South Carolina [Mr. JOHNSON] happens to have the act. The act of Congress changing the name of the Public Health and Marine-Hospital Service to the Public Health Service, which was approved August 14, 1912, contained this language:

There may be employed in the Public Health Service such help as may be provided for from time to time by Congress.

Mr. Chairman, that language has been inserted in laws on several occasions for the express purpose of leaving it to Congress to determine the number of employees, and has been held to be sufficient authority for an item in a bill over a point of order, and that was the purpose of putting it in the law.

Mr. JOHNSON of South Carolina. And the only increase of force that we gave this office under that law was this assistant editor, against which the gentleman's colleague desires to make the point of order.

Mr. MANN. Yes.

Mr. FOWLER. Where is the editor? You have an assistant editor here.

Mr. JOHNSON of South Carolina. One of the commissioned officers in charge of the publication division—

Mr. FOWLER. This is an assistant editor. Where is the editor?

Mr. JOHNSON of South Carolina. He is probably an Army officer.

Mr. MANN. He is a commissioned officer.

Mr. JOHNSON of South Carolina. He is a commissioned officer of this service.

Mr. MANN. One of the medical doctors. They are carried in the sundry civil appropriation bill and not in this.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOWLER] withdraw his point of order?

Mr. FOWLER. Mr. Chairman, in view of the explanation made by the gentlemen on the question of the Surgeon General's increase of salary, I withdraw the point of order so far as that is concerned, and desire to make it apply to the creation of an assistant editor, at \$1,800.

The CHAIRMAN. The point of order is not well taken, for the reason that the organic act authorizes Congress to create such help in this department as it may seem proper. It is not a question of the right of the committee, but it is a question of the wisdom of the committee. The point of order is overruled.

The Clerk read as follows:

Contingent expenses, Treasury Department: For stationery for the Treasury Department and its several bureaus and offices, \$50,000, and in addition thereto sums amounting to \$76,000 shall be deducted from other appropriations made for the fiscal year 1913, as follows: Contingent expenses, Independent Treasury, \$6,000; contingent expenses, mint at Philadelphia, \$350; contingent expenses, mint at San Francisco, \$200; contingent expenses, mint at Denver, \$200; contingent expenses, assay office at New York, \$350; materials and miscellaneous expenses, Bureau of Engraving and Printing, \$3,300; suppressing counterfeiting and other crimes, \$200; expenses of Revenue-Cutter Service, \$1,600; Public Health Service, \$1,800; Quarantine Service, \$500; preventing the spread of epidemic diseases, \$200; Life-Saving Service, \$1,000; general expenses of public buildings, \$6,000; collecting the revenue from customs, \$37,300; miscellaneous expenses of collecting internal revenue, \$14,000; and for expenses of collecting the corporation tax, \$3,000; and said sums so deducted shall be credited to and constitute, together with the first-named sum of \$50,000, the total appropriation for stationery for the Treasury Department and its several bureaus and offices for the fiscal year 1914.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 51, in line 4, strike out the word "thirteen" and insert in lieu thereof the word "fourteen."

Mr. JOHNSON of South Carolina. The purpose of the amendment is to correct a typographical error.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For purchase of labor-saving machines, including the purchase and exchange of registering accountants, numbering machines, and other

machines of a similar character, including time stamps for stamping date of receipt of official mail and telegrams, and repairs thereto, and the purchase of supplies for photostat, \$8,000.

Mr. BORLAND. Mr. Chairman, I offer an amendment to that paragraph, to strike out the word "photostat" and insert in lieu thereof the words "photographic reproduction machines," so that it will read "Supplies for photographic reproduction machines." With a word of explanation I can make that clear.

The CHAIRMAN. Will the gentleman wait until the amendment is reported?

Mr. BORLAND. Certainly.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The Clerk read as follows:

Amend, page 54, line 6, by striking out the word "photostat" and inserting in lieu thereof the words "photographic reproduction machines."

Mr. BORLAND. Mr. Chairman, the word "photostat" is the name of a particular kind of patented machine used for the purpose of photographing documents, making reproductions by the use of photography instead of by typewriting or otherwise. The name "photostat" is not, as might be supposed from this wording, a generic term, but the name of a particular machine. There are other machines in the market; some of them called "cameragraphs" and other names in a general way designating the kind of machines they are, which are used for the same purpose—that is, to make photographic copies of documents. It happens that there are a certain number of photostats in this particular department. I believe the auditor has ruled that the supplies for photostats may be stationery, and, possibly, might be included in the general appropriation for stationery. But in order to make the thing perfectly safe he advised that they put into that particular clause for contingent expenses the phrase "supplies for photostats." They now have in contemplation the purchase and employment of other machines besides the photostat, and will probably have them in operation during the life of this bill, so that the wording should be broad enough to include supplies of any kind of a photographic reproduction machine, whether called a "photostat" or not. That is the idea of the amendment.

Mr. JOHNSON of South Carolina. Mr. Chairman, they have in certain departments of the Government a machine called a "photostat." We are making appropriations for that. If other machines should be purchased hereafter, I think it would be early enough then to change the language of the appropriation bill.

Mr. BORLAND. I do not believe it would be for this reason—

Mr. JOHNSON of South Carolina. For instance, we have given the Treasury Department no money out of which they can buy any other machines, so far as I am aware. They have a photostat already installed.

Mr. BORLAND. Under this appropriation, Mr. Chairman, they can buy labor-saving machinery, and under that designation they could buy any other machine for the same purpose that was not called a "photostat." They could buy a machine not called a "photostat," which is a labor-saving machine, and if they undertook to buy it under this item authorizing the purchase of labor-saving machinery they would need some supplies for it, and probably would need some supplies for it during the current year. It is just as easy as not to make that language broad enough to include supplies in labor-saving machinery whether called "photostats" or otherwise.

Mr. JOHNSON of South Carolina. I suggest that the gentleman withhold his amendment.

Mr. BORLAND. I have the amendment here.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and had come to no resolution thereon.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7531. An act to authorize the Secretary of Commerce and Labor to purchase certain land required for lighthouse pur-

poses at Port Ferro Light Station, P. R.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20287. An act to amend section 5 of the act entitled "An act to incorporate the American Red Cross," approved January 5, 1905.

LINCOLN MEMORIAL (S. DOC. NO. 965).

The SPEAKER. The Chair will state to the House that yesterday there came in a short message from the President of the United States, transmitting a report of the commission on the Lincoln Memorial, and the Chair ordered the message to be printed according to the usual formality, but did not include in the order the printing of the report. Unless there is objection, by unanimous consent the Chair will order it printed for the information of the Members.

Mr. MANN. It would be printed with illustrations, I presume. I do not know whether there are any illustrations, but I presume there are.

The SPEAKER. If there are illustrations, they will be printed, too.

PANAMA CANAL (H. DOC. NO. 965).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying report, ordered to be printed and referred to the Committee on Interstate and Foreign Commerce:

To the Senate and House of Representatives:

I transmit herewith, in pursuance of the requirements of chapter 1302 (32 Stats., p. 483), "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," approved June 28, 1902, the Annual Report of the Isthmian Canal Commission for the fiscal year ended June 30, 1912.

WM. H. TAFT.

THE WHITE HOUSE, December 6, 1912.

FISCAL, JUDICIAL, MILITARY, AND INSULAR AFFAIRS (H. DOC. NO. 1067).

The SPEAKER laid before the House a message from the President of the United States, which was read, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

[For text of message see Senate proceedings of this day.]

At the conclusion of the reading of the message there was applause on the Republican side.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Saturday, December 7, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Des Moines River, Iowa (H. Doc. No. 1063); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of Cohasset Harbor, Mass. (H. Doc. No. 1052); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of entrance to Kuskokwim River, Alaska (H. Doc. No. 1051); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sergius Narrows, Alaska (H. Doc. No. 1053); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sammamish River, Wash. (H. Doc. No. 1062); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Green River, Ky. (H. Doc. No. 1061); to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Falls of the Willamette River at Oregon City, Ore. (H. Doc. No. 1060); to the Committee on Rivers and Harbors and ordered to be printed.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of South Fork of Edisto River to Guignords Landing, S. C. (H. Doc. No. 1054); to the Committee on Rivers and Harbors and ordered to be printed.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Indian River Inlet, Del. (H. Doc. No. 1055); to the Committee on Rivers and Harbors and ordered to be printed.

10. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mississippi River opposite St. Louis (H. Doc. No. 1059); to the Committee on Rivers and Harbors and ordered to be printed.

11. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Murderkill River, Del. (H. Doc. No. 1058); to the Committee on Rivers and Harbors and ordered to be printed.

12. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Apalachicola Bay and St. George Sound, Fla. (H. Doc. No. 1057); to the Committee on Rivers and Harbors and ordered to be printed.

13. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Bayou Courtableau, La. (H. Doc. No. 1056); to the Committee on Rivers and Harbors and ordered to be printed.

14. A letter from the Secretary of War, transmitting, pursuant to law, statement submitted by Acting Chief of Ordnance of expenditures at Springfield Armory, Springfield, Mass., and Rock Island Arsenal, Rock Island, Ill., during the fiscal year ended June 30, 1912 (H. Doc. 1065); to the Committee on Expenditures in the War Department and ordered to be printed.

15. A letter from the Secretary of War, transmitting list of useless executive papers on file in the various bureaus in the War Department and requesting that same be destroyed (H. Doc. No. 1064); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

16. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting report of the commissioners on the necessity of establishing a reform school for white girls within the District of Columbia, as requested by act of June 26, 1912 (H. Doc. No. 1066); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the bill H. R. 16737, reported in lieu thereof a resolution (H. Res. 734) referring to the Court of Claims the papers in the case of the heirs of Nicholas Chano, accompanied by a report (No. 1264), which said resolution and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARTER: A bill (H. R. 26808) to provide for the completion of the survey and appraisal of the segregated mineral land in Oklahoma; to the Committee on Indian Affairs.

By Mr. LEE of Georgia: A bill (H. R. 26809) to increase the limit of cost for the construction of a Federal building at Cedar-town, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. MCKENZIE: A bill (H. R. 26810) to extend the time for the construction of a dam across Rock River, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. MCKELLAR: A bill (H. R. 26811) to amend an act providing for the appointment of the Mississippi River Commission, and other purposes, approved June 28, 1879, and an amendatory act thereto approved February 18, 1901; to the Committee on Rivers and Harbors.

By Mr. FRENCH: A bill (H. R. 26812) to provide for State selection of phosphate and oil lands; to the Committee on the Public Lands.

Also, a bill (H. R. 26813) making it unlawful for any society, order, or association to send or receive through the United States mails, or to deposit in the United States mails, any written or printed matter representing such society, fraternal order, or association to be named or designated or entitled by any name hereafter adopted, any word or part of which title shall be the name of any bird or animal the name of which bird or animal is already being used as a part of its title or name by any other society, fraternal order, or association; to the Committee on the Post Office and Post Roads.

By Mr. DIES: A bill (H. R. 26814) to authorize the erection of a public building at Nacogdoches, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 26815) to authorize the purchase of a site for a public building at Orange, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. DIXON of Indiana: A bill (H. R. 26816) to provide for the purchase of a site and the erection of a public building at Greensburg, Ind.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 26817) to provide for the purchase of a site and the erection of a public building thereon at North Vernon, in the State of Indiana, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. AKIN of New York: A bill (H. R. 26818) for the purchase of a site and the erection thereon of a public building at Fort Plain, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. MOON of Tennessee: A bill (H. R. 26819) to regulate the pay of substitute letter carriers in the City Delivery Service and provide for their status when appointed to permanent positions as regular carriers; to the Committee on the Post Office and Post Roads.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ADAIR: A bill (H. R. 26820) granting an increase of pension to Mary J. Smith; to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 26821) for the relief of the trustees of the Christian Church at Missouri City, Clay County, Mo.; to the Committee on War Claims.

By Mr. ASHBROOK: A bill (H. R. 26822) granting a pension to Sarah Harmon; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 26823) granting an increase of pension to Hester Ann Steel; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 26824) granting a pension to Roy Vest Smith; to the Committee on Pensions.

By Mr. CRAVENS: A bill (H. R. 26825) granting a pension to James T. Kissinger; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 26826) granting a pension to Celestia Betts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26827) granting an increase of pension to Emma M. Barrett; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 26828) for the relief of Peter Helfman; to the Committee on Claims.

Also, a bill (H. R. 26829) granting a pension to Mary O'Brien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26830) granting a pension to Rebecca E. Fowler; to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 26831) granting an increase of pension to Rodney W. Anderson; to the Committee on Pensions.

By Mr. HARTMAN: A bill (H. R. 26832) granting a pension to Hannah McVicker; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 26833) granting a pension to William Trots; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 26834) granting a pension to Kate Chance; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 26835) granting an increase of pension to Daniel J. Haynes; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 26836) granting an increase of pension to Levi P. Miller; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 26837) for the relief of the trustees of the Quinn African Methodist Episcopal Church, of Frederick, Md.; to the Committee on War Claims.

By Mr. LINDBERGH: A bill (H. R. 26838) to correct the military record of John Brown; to the Committee on Military Affairs.

Also, a bill (H. R. 26839) granting an increase of pension to Henry B. Frey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26840) granting an increase of pension to Elias S. Baker; to the Committee on Invalid Pensions.

By Mr. MCKENZIE: A bill (H. R. 26841) granting a pension to Miles S. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26842) granting a pension to Emma C. Weinhold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26843) granting an increase of pension to James C. Burwell; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 26844) granting a pension to Mary Hahn; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 26845) granting a pension to Marian Eva Keyes; to the Committee on Pensions.

Also, a bill (H. R. 26846) granting a pension to Martha A. Rea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26847) granting an honorable discharge from the military service of the United States to Adam Thurmon; to the Committee on Military Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 26848) granting an increase of pension to Mary B. Garretson; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 26849) for the relief of Charles Dudley Daly; to the Committee on Military Affairs.

By Mr. RUCKER of Missouri: A bill (H. R. 26850) granting an increase of pension to George W. Runion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26851) granting an increase of pension to David Shulz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26852) granting an increase of pension to Emanuel Carmack; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 26853) granting a pension to John H. Baker; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 26854) granting an increase of pension to Edmund Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26855) restoring the name of Sarah E. Wilson to the pension roll; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 26856) granting a pension to Laura Newman, née Mount; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26857) granting an increase of pension to Thomas Daugherty; to the Committee on Pensions.

Also, a bill (H. R. 26858) granting an increase of pension to Isaac Byers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26859) granting an increase of pension to George Ingersoll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26860) granting an increase of pension to John L. Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26861) granting an increase of pension to Charles Saunders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26862) granting an increase of pension to Samuel Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26863) granting an increase of pension to Mary B. Taylor; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 26864) granting an increase of pension to Jesse A. Ross; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 26865) for the relief of the county court of Allen County, Ky.; to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Mr. J. H. Reiser and 3 other merchants of Tuscarawas, Ohio, asking that Congress further increase the power of the Interstate Commerce Commission toward controlling the express companies; to the Committee on Interstate and Foreign Commerce.

By Mr. AYRES: Petition of the Lake Michigan Sanitary Association, favoring an appropriation for investigating the extent of the pollution of the waters of the Great Lakes; to the Committee on Appropriations.

By Mr. DYER: Petition of the National Society for the Promotion of Industrial Education, favoring the passage of the Page-Wilson bill giving Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Stark Distillery Co., St. Louis, Mo., protesting against the passage of the Kenyon liquor bill (S. 4043); to the Committee on the Judiciary.

Also, petition of James E. Cowan, St. Louis, Mo., favoring enactment of legislation securing pension for the Missouri Militia; to the Committee on Pensions.

By Mr. ESCH: Petition of the Supreme Council of United Commercial Travelers of America, favoring passage of bill changing the day of the national elections; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, petition of the Chamber of Commerce of the State of New York, protesting against legislation placing the Board of General Appraisers under any department of the Government; to the Committee on Ways and Means.

Also, petition of the Supreme Council of the Order of United Commercial Travelers of America, favoring the reduction of letter postage to 1 cent; to the Committee on the Post Office and Post Roads.

Also, petition of the Grand Council of Wisconsin, Order of United Commercial Travelers of America, favoring the changing of the general election day to Monday; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, petition of the Manila Welfare Committee relative to reclaiming and making sanitary the lowlands around Manila; to the Committee on Appropriations.

Also, petition of the Lake Michigan Sanitary Association, favoring appropriation for the investigation of the extent of the pollution of the waters of the Great Lakes; to the Committee on Appropriations.

By Mr. ESTOPINAL: Petition of postal clerks of New Orleans, La., relative to the interpretation of the section of the Post Office appropriation bill relating to classification and advancement of railway postal clerks; to the Committee on the Post Office and Post Roads.

Also, petition of the Southern Agricultural Workers, favoring an appropriation for the eradication of the cow ticks; to the Committee on Agriculture.

Also, petition of the Central Trades and Labor Council of New Orleans, La., protesting against the passage of the amended bill of Mr. KENYON (S. 4043); to the Committee on the Judiciary.

Also, petition of New Orleans (La.) Lodge, No. 161, of the United Brewery Workers of America, protesting against the passage of the Webb-Kenyon liquor bills; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Illinois Daughters of the American Revolution, favoring the passage of the Cox bill, to prevent desecration of the American flag; to the Committee on the Library.

Also, petition of R. C. Brown, clerk of the United States district court for the southern district of Illinois, favoring passage of House bill 21226, to put such clerks on a salary basis; to the Committee on the Judiciary.

Also, petition of the Lake Michigan Sanitary Association, favoring an appropriation for the investigation of the extent of the pollution of the Great Lakes; to the Committee on Appropriations.

By Mr. LINDSAY: Petition of the Lake Michigan Sanitary Association, favoring investigation of the pollution of the waters of the Great Lakes; to the Committee on Appropriations.

By Mr. MILLER: Petition of citizens of Proctor, Minn., favoring enactment of legislation requiring civil-service examinations for third-class postmasters; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of the Chamber of Commerce of the State of New York, protesting against placing the Board of General Appraisers under control of the Treasury Department; to the Committee on Expenditures in the Treasury Department.

By Mr. SCULLY: Petition of Capt. J. W. Conwer Post, No. 63, Grand Army of the Republic, favoring the passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Lake Michigan Sanitary Association, favoring appropriation for investigating the extent of the pollution of the waters of the Great Lakes; to the Committee on Appropriations.

By Mr. WEEKS: Petition of citizens of Boston, favoring enactment of legislation establishing a United States court of appeals; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of the Supreme Council of the Order of United Commercial Travelers of America, favoring the reduction of letter postage to 1 cent; to the Committee on the Post Office and Post Roads.

## SENATE.

SATURDAY, December 7, 1912.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

UNITED STATES COMMERCE COURT (H. DOC. NO. 1081).

The PRESIDENT pro tempore (Mr. BACON) laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, a statement of the expenditures of the appropriation for the United States Commerce Court for the year ended June 30, 1912, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MARITIME CANAL CO. OF NICARAGUA (H. DOC. NO. 1044).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Maritime Canal Co. of Nicaragua, which, with the accompanying paper, was referred to the Committee on Interoceanic Canals and ordered to be printed.

YORKTOWN CELEBRATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Yorktown Historical Society, which was read and ordered to lie on the table, as follows:

YORKTOWN HISTORICAL SOCIETY  
OF THE UNITED STATES,  
London, September 28, 1912.

The honorable the SECRETARY OF THE SENATE  
OF THE UNITED STATES OF AMERICA,  
Washington, D. C., U. S. A.:

The Yorktown Historical Society of the United States requests the honor of the presence of the honorables the Members of the Senate of the United States of America at the annual celebration of the surrender of Gen. Lord Cornwallis to Gen. Washington, to be held at Yorktown on the 19th day of October, 1912, and also on the same date in the year 1913.

R. S. V. P. to the secretary of the society, Mrs. Carroll Van Ness.

PETITIONS AND MEMORIALS.

Mr. GRONNA. I present petitions signed by sundry citizens of Buxton, Valley City, Drayton, Inkster, and Casselton, all in the State of North Dakota, praying for the passage of the Kenyon bill, No. 4043, providing for the ratification of an interstate liquor law. I ask that the body of one of the petitions may be printed in the RECORD in full.

There being no objection, the petitions were ordered to lie on the table, and the body of one of the petitions was ordered to be printed in the RECORD, as follows:

To the Hon. A. J. GRONNA,  
United States Senator, Washington, D. C.:

The undersigned, citizens and residents of the State of North Dakota, realizing the evil effects of the liquor traffic and the difficulty of enforcing the prohibition law of this State under the present interstate-commerce law, earnestly request you as our representative to use all legitimate means within your power to secure the passage of the bill known as the "Amended Kenyon bill," No. 4043, which will come up in the United States Senate on December 16 next.

Mr. CLAPP. I present a petition relative to the payment of the balance due the depositors in the Freedmen's Savings & Trust Co. I ask that the statement on the front page be printed in the RECORD and that the rest of the petition be filed.

There being no objection, the petition was referred to the Committee on Education and Labor, and the statement was ordered to be printed in the RECORD, as follows:

This petition is indorsed by the National Baptist Convention, representing two millions and a half communicants; the African Methodist Episcopal Church, representing 800,000 communicants; the Methodist Episcopal Zion Church, representing 600,000 communicants; the National Negro Business League, representing the colored business men throughout the United States; and sundry other citizens and organizations, praying for the enactment of legislation to pay the balance due the depositors in the Freedmen's Savings & Trust Co.

R. JAMES L. WHITE.

Mr. BRISTOW presented a petition of sundry citizens of Scandia, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 7637) to authorize the construction of a railroad bridge across the Illinois River near Havana, Ill.; to the Committee on Commerce.